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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT
PLANNING COMMISSION**

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 13, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT LanDev LLC	FILE NO. TRACT 2652 SUB2003-00314
SUBJECT Hearing to consider a request by George Newman, Land Development, LLC for a Tentative Tract Map to subdivide five parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of development and a Conditional Use Permit for a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 733 parking spaces, and the construction of two stormwater retention basins. The project will result in the disturbance of the entire 19.1-acre area, and approximately 1.9 acres of disturbance due to road improvements, for a total disturbance area of approximately 21 acres. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit and Vesting Tentative Tract 2652 based on the findings listed in Exhibits A and C, and the conditions listed in Exhibits B and D.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 20, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water, and are included as conditions of approval.			
LAND USE CATEGORY Commercial Retail, Office/Professional	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-572-015, -016, - 017, -025, and -045	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.112.020 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.112.080 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.112.080.C.1 – Commercial Retail, Central Business District. Does the project conform to the Planning Area Standards – Yes, see discussion			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks) Ch. 22.16 – Landscaping Ch. 22.18 – Parking Sec. 22.22.060 – Commercial Retail and Office/Professional Subdivision Design	
EXISTING USES: Residences, sheds, detention basin	
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / Storage facility East: Commercial Retail / shopping center, Highway 101 South: Commercial Retail / shopping center, postal service facility West: Commercial Retail / Residential Single Family/ residences, undeveloped	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans, RWQCB	
TOPOGRAPHY: Gently to moderately sloping	VEGETATION: Grasses, forbs, oak trees, eucalyptus
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: January 12, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size and Development Standards

22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square-foot parcels. The density of residential units must be in compliance with Planning Area Standards and Section 22.10.130 for Residential Multi-Family projects. Sections 22.10, 16, and 18 of the Land Use Ordinance establishes Development Standards. The proposed Tentative Tract Map and Conditional Use Permit meets all requirements as follows:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Maximum Floor Area	537,966 (65%)	243,971 square feet (30%)
Minimum Open Area	7.62 acres (40%)	12.3 acres (65%)
Setbacks Front, Side, and Rear	May be set by map with minimum of 6 feet between all structures	Minimum of 6 feet between all structures; Front, Side, Rear - Variable, minimum 5 feet
Height	45 feet	Approx. 55 feet

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Parking	Total Required 733 spaces	Village West 262 Village East 182 Restaurant 173 Office 116 Total 733 spaces
Landscaping	Landscaping Plan required	Preliminary landscaping plan provided
Fencing/Screening	Fencing/Screening Plan required	Preliminary fencing/screening plan provided

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PROJECT DESCRIPTION / SITE DESIGN:

The proposed project is a Vesting Tentative Tract Map to subdivide five parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres and a Conditional Use Permit to allow construction of a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 733 parking spaces, and the construction of two stormwater retention basins. This significant development extends from North Frontage Road west through Mary Avenue, and from Juniper Street on the north to the rear of commercial uses along W. Tefft Street. Retail, office, and restaurant space is proposed, with buildings lining Mary Avenue and Juniper Street and parking areas located to the rear and interior. A three-story assisted living facility is located at the southwestern corner of the site, which includes 112 units. The project includes two retention basins centrally located near the assisted living facility. Pedestrian paths are located throughout to connect the various elements of the project. The architecture includes Craftsman and Arts & Crafts styles, with stone veneer and wood siding.

The project would be constructed in five phases, as follows:

- Phase I: Office Buildings - Two two-story office buildings, 18,082 and 4,866 square feet in size; 116 parking spaces; and, improvements to Primrose Road and Magenta Lane
- Phase II: Nipomo Village West – One three-story, 97,619-square foot assisted living facility; four retail buildings 5,340, 7,850, 7,215, and 8,668 square feet each; one 7,800-square foot restaurant/retail building; two two-story offices, 10,503 and

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- 9,408 square feet each; 262 parking spaces; and, improvements to Juniper Street (right turn pocket)
- Phase III: Nipomo Village East (portion) – Two office buildings, 8,679 and 8,829 square feet each; one 3,191-square foot restaurant; one 4,488-square foot retail building; and, 52 parking spaces
- Phase IV: Nipomo Village East (portion) – Three retail buildings, 8,700, 8,400, and 10,423 square feet in size, and 130 parking spaces
- Phase V: Theme Restaurant/Conference Facility – One 15,910-square foot theme restaurant and conference facility, and 173 parking spaces

PLANNING AREA STANDARDS:

The project site is located within the Nipomo Urban Area. The applicant worked closely with staff to provide revisions to the original project to meet site planning and design objectives. The proposed development satisfies all applicable Planning Area Standards, density, intensity, and site planning criteria as outlined below. The project includes public right-of-way dedications and pedestrian pathways, and includes conditions addressing traffic noise. The project will also be connected to the NCSD sewer.

<u>Planning Area Standard</u>	<u>Allowed/Required</u>	<u>Complies?</u>
Right-of-way dedication	For public streets, pathways, bicycles	Yes, dedications shown
Traffic noise mitigation	Mitigation based on location, layout, berms, structural measures	Yes, as conditioned
Sewer connection	Community sewer required	Yes, will connect to NCSD

Section 22.12.020 Areawide Standards

22.12.020.C – Circulation Planning:

1. Land divisions shall provide offers of dedication for public streets, bikeways and pathways.
2. Gross acreage may be utilized to calculate the allowable number of parcels.
3. Traffic noise mitigation required in the form of setbacks/open space, site layout, earthen berms, or structural measures, in that order of priority.
4. Transit-oriented standards

As conditioned, the project meets these standards. Mary Avenue, Juniper Street, and Magenta Lane will be dedicated to county standards, which provide sufficient width for street and pathway improvements. The project includes sound walls to mitigate for traffic noise. The project includes a number of measures to provide a transit-oriented development, including bicycle, carpool, and vanpool parking, implementation of a Transportation Choices Program, and implementation of shuttle/mini bus service.

Section 22.112.080 Nipomo Urban Area Standards

22.112.080.A – Community-wide standards:

1. Connection to community sewers.

As proposed, the project meets these standards. Community sewer is anticipated through the Nipomo Community Services District.

22.112.080.C – Commercial Retail:

1. Central Business District – Achieve an intensive, compact and pedestrian-oriented commercial development pattern. Compliance with design and circulation plan. Minor use permit plan required.

Mary Avenue, Juniper Street, and Magenta Lane will be dedicated to county standards, which provide sufficient width for street and pathway improvements. These roads follow the design and circulation plan of Nipomo which connects Mary Avenue from Juniper Street to Tefft Street. The project proposes a vibrant mixed-use development of commercial retail and offices uses, with a central assisted living facility.

OTHER ISSUES

West Tefft Corridor Design Plan

The West Tefft Corridor Design Plan has been drafted for public review and comment. The plan is proposed to be a part of the County General Plan and Land Use Ordinance, and is intended to guide the design and development of projects within the planning area. The proposed project generally meets the principles and standards of the draft design plan. Buildings are located along the street frontages, with parking to the rear and center of the site. The project is pedestrian-friendly, with walkway connections as envisioned in the design plan. Streetscape features of wide sidewalks, landscaping, gathering spaces, and public art have been incorporated in the project as amenities.

COMMUNITY ADVISORY GROUP COMMENTS: The Nipomo Community Advisory Council heard the item at their July 26, 2004 meeting and recommended to support the project with the following concerns:

- The size of the project and due to the assisted care facility for elderly people, including poor response times and that this development, while not causing the problem, would greatly exacerbate the situation.
- The need for better Fire and EMS response times and services; and further, the County needs to address the increased traffic demands that this project will create.

Staff response:

Emergency Response – The project will be required to meet the fire and life safety requirements listed in the fire safety letter (see attached), including a fire extinguishing system, fire alarm system, roof access, and proper water supply connection. The site is within a moderate fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

Traffic Concerns – The project provides significant public street dedications and improvements to help improve the vehicle circulation throughout the W. Tefft Street corridor, including connecting Mary Avenue through to Juniper Street and improvement of Juniper Street and Magenta Lane. The proposed project will also be required to contribute to the South County Road Fee Program, which will help finance the implementation of improvements to the Highway 101 and Tefft Street interchange to mitigate cumulative impacts resulting from the development.

AGENCY REVIEW:

Public Works - Recommend approval with conditions. Improvements will be partially completed with TR 2558. It is anticipated that improvements fronting each phase will be completed with each phase and that structures will not be occupied until improvements are complete.

Environmental Health - Applicant has provided preliminary evidence of water and sewer.

County Parks – Pay applicable Building Division fees for residential units.

CDF - See attached fire safety letter dated June 27, 2004.

Nipomo Community Services District – Issued an intent-to-serve letter for the project with conditions.

APCD - Proposed infill development is consistent with Clean Air Plan. Includes recommendations for dust control, developmental burning, mixed-use incompatibilities, and operational mitigation measures.

Cal Trans – Concerns with overall development along the W. Tefft Street corridor (see attached letter).

LEGAL LOT STATUS:

The existing lots were legally created by a recorded map at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 20, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water, and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Commercial Retail and Office/Professional land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of commercial, office, and assisted living facility.
- F. The site is physically suitable for the proposed density proposed because the site can adequately support commercial, office, and assisted living facility.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

EXHIBIT B

CONDITIONS OF APPROVAL FOR TR 2652

Approved Project

1. A Tentative Tract Map to subdivide five parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of development. The applicant proposes to construct a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 733 parking spaces, and the construction of two stormwater retention basins. The project will result in the disturbance of the entire 19.1-acre area, and approximately 1.9 acres of disturbance due to road improvements, for a total disturbance area of approximately 21 acres.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Magenta Lane constructed to an A-2 section within a minimum 50 foot dedicated right-of-way with a standard knuckle at the intersection with Primrose Lane.
 - b. Juniper Street and Mary Avenue widened to complete a A-2 section fronting the property. See attached details beyond County standard specifications of drawings.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes additional right-of-way necessary along Mary and Juniper, to be described as width needed to contain the improvements.
 - b. A minimum 20 foot radius property line return at the intersection all streets.
4. A private easement be reserved on the map for access to lots not fronting a public road.
5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

6. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (NCSD).
 - d. Sewer plan (NCSD).

- e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
7. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
8. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

9. Submit complete drainage calculations to the Department of Public Works for review and approval.
10. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
11. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
- a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

13. Electric and telephone lines shall be installed underground.
14. Cable T.V. conduits shall be installed in the street.
15. Gas lines shall be installed.

Design

16. The lots shall be numbered in sequence.

Vector Control and Solid Waste

17. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

18. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Affordable Housing Fee

19. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Quimby Fee

20. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Other

21. **Prior to final map recordation**, the applicant shall submit a revised landscape plan incorporating the use of native, drought-tolerant, fast-growing, evergreen shrubs and trees to be planted along the outside of the noise wall.
22. **Prior to recordation of the final map**, landscape plans shall show the location of replacement oak trees. The average distance between plantings shall be no closer than 20 feet and placed in locations that will ensure long-term success and avoid competition with other landscape elements/plantings. These plans shall be approved by the County Planning Department.
23. **Prior to recordation of the final map**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;

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- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered “significant” archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
24. **Prior to recordation of the final map**, the applicant shall submit a final “will-serve” letter from the Nipomo Community Services District to the Environmental Health Division.
25. **Prior to recordation of the final map**, the applicant shall submit a final “will-serve” letter from the Nipomo Community Services District to the Environmental Health Division.

Additional Map Sheet

26. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. **Prior to issuance of construction permits**, the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.
 - b. **Prior to issuance of construction permits**, the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.
 - c. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
 - d. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stock-pile areas shall be sprayed daily as needed.
 - iv. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.

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- v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
 - vi. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - vii. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - ix. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - x. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - xi. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- e. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:
- i. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
 - ii. All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
 - iii. The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
 - iv. Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.
- f. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

- g. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- h. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- i. **Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
 - i. Portable generators
 - ii. IC engines
 - iii. Unconfirmed abrasive blasting operations
 - iv. Concrete batch plants
 - v. Rock and pavement crushing
 - vi. Tub grinders
 - vii. Trommel screens
- j. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
 - i. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
 - ii. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
 - iii. Provide preferential carpool and vanpool parking.
 - iv. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
 - v. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
 - vi. Increased street tree planting.
 - vii. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
 - viii. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
 - ix. Provide on-site banking (ATM) and postal services.
 - x. Provide an on-site child care facility.
 - xi. Increase number of bicycle routes/lanes.
 - xii. Provide on-site housing for employees.
 - xiii. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project

- or improve transit stop amenities.
 - xiv. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
 - xv. Provide pedestrian signalization and signage to improve pedestrian safety.
- k. **Prior to and issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project:
- i. Employ or appoint an Employee Transportation Coordinator.
 - ii. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
 - iii. Provide for shuttle/mini bus service.
 - iv. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
 - v. Implement compressed work schedules.
 - vi. Implement telecommuting program.
 - vii. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
 - viii. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
 - ix. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
 - x. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e. school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
 - xi. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.
- l. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
- i. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
 - ii. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
 - iii. Use built-in energy efficient appliances, where applicable.
 - iv. Use double-paned windows.
 - v. Use low energy parking lot and street lights (i.e. sodium).
 - vi. Use energy efficient interior lighting.
 - vii. Use low energy traffic signals (i.e. light emitting diode).
 - viii. Install door sweeps and weather stripping if more efficient doors and windows are not available.
 - ix. Install high efficiency or gas space heating
- m. **Prior to final inspection**, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

- n. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- o. **Prior application for construction permits**, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.
- p. **Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to (optional - the CDFG and) the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
- q. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- r. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
- s. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).
- t. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-

use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

- u. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
- v. The following uses shall not be permitted in the same building as residential quarters: nail salons; dry-cleaners; coffee roasters; furniture refurbishing/refinishing; or, any type of spray paint operations.
- w. The following uses shall be reviewed and approved by the APCD prior to issuance of use permit: food and beverage preparation; dry cleaners; generators; boilers; sterilization unit(s) using ethylene oxide and incinerator(s); and, IC engines.

Covenants, Conditions and Restrictions

- 27. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of drainage basin landscaping.
 - b. Maintenance of common areas.
 - c. Maintenance of all local streets within the project.
 - d. **Prior to issuance of construction permits**, the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.
 - e. **Prior to issuance of construction permits**, the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.
 - f. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
 - g. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent

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airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.

- iii. All dirt stock-pile areas shall be sprayed daily as needed.
 - iv. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
 - vi. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - vii. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - ix. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - x. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - xi. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- h. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:
- i. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
 - ii. All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
 - iii. The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
 - iv. Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.
- i. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

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- j. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- k. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- l. **Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
 - i. Portable generators
 - ii. IC engines
 - iii. Unconfirmed abrasive blasting operations
 - iv. Concrete batch plants
 - v. Rock and pavement crushing
 - vi. Tub grinders
 - vii. Trommel screens
- m. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
 - i. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
 - ii. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
 - iii. Provide preferential carpool and vanpool parking.
 - iv. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
 - v. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
 - vi. Increased street tree planting.
 - vii. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
 - viii. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
 - ix. Provide on-site banking (ATM) and postal services.
 - x. Provide an on-site child care facility.
 - xi. Increase number of bicycle routes/lanes.
 - xii. Provide on-site housing for employees.
 - xiii. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.

- xiv. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
 - xv. Provide pedestrian signalization and signage to improve pedestrian safety.
- n. **Prior to and issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project:
- i. Employ or appoint an Employee Transportation Coordinator.
 - ii. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
 - iii. Provide for shuttle/mini bus service.
 - iv. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
 - v. Implement compressed work schedules.
 - vi. Implement telecommuting program.
 - vii. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
 - viii. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
 - ix. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
 - x. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e. school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
 - xi. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.
- o. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
- i. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
 - ii. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
 - iii. Use built-in energy efficient appliances, where applicable.
 - iv. Use double-paned windows.
 - v. Use low energy parking lot and street lights (i.e. sodium).
 - vi. Use energy efficient interior lighting.
 - vii. Use low energy traffic signals (i.e. light emitting diode).
 - viii. Install door sweeps and weather stripping if more efficient doors and windows are not available.
 - ix. Install high efficiency or gas space heating
- p. **Prior to final inspection**, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

- q. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- r. **Prior application for construction permits**, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.
- s. **Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to (optional - the CDFG and) the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
- t. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- u. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
- v. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).
- w. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in

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bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

- x. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Miscellaneous

- 28. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 29. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 30. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 31. Prior to recordation of final map, work with the Regional Transit Authority (RTA) to provide a bus stop or in-lieu fee as determined by the RTA and the Director of Planning and Building.

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FINDINGS - EXHIBIT C

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 20, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Juniper Street and Mary Avenue, collector roads constructed to a level able to handle any additional traffic associated with the project

Residential in Commercial Retail or Office and Professional land use categories

- R. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because the residential development is subordinate to the primary commercial and office use.
- S. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the proposed mixed use project will contribute to and enhance the community shopping and office opportunities of the community.

EXHIBIT D - CONDITIONS OF APPROVAL

Conditional Use Permit

Approved Development

1. This approval authorizes
 - a. A mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings.
 - b. maximum height is 45 from average natural grade.
2. Proposed specific uses of the structures shall be subject to review and approval of the change in building occupancy by the Building Division of the Department of Planning and Building prior to issuance of a business license. Proposed uses shall also be subject to the review and approval of the Department of Planning and Building to determine conformity with applicable planning area standard, Land Use Ordinance requirements, and conditions of this approval.

Site Development

3. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated June 27, 2004.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.

Grading, Drainage, Sedimentation and Erosion Control

7. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
 - a. Complete drainage calculations for county Public Works review and approval.

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- b. Retention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
- c. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
- d. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
- e. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
- f. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

Conditions to be completed prior to issuance of a construction permit

- 8. **Prior to issuance of construction permits**, the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.
- 9. **Prior to issuance of construction permits**, the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.
- 10. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.
 - a. Reduce the amount of disturbed area where possible.
 - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - b. All dirt stock-pile areas shall be sprayed daily as needed.
 - c. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
 - e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - f. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - h. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall

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- maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
11. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:
 - a. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
 - b. All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
 - c. The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
 - d. Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.
 12. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
 13. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
 14. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
 15. **Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:

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- a. Portable generators
 - b. IC engines
 - c. Unconfirmed abrasive blasting operations
 - d. Concrete batch plants
 - e. Rock and pavement crushing
 - f. Tub grinders
 - g. Trommel screens
16. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
- a. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
 - b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
 - c. Provide preferential carpool and vanpool parking.
 - d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
 - e. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
 - f. Increased street tree planting.
 - g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
 - h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
 - i. Provide on-site banking (ATM) and postal services.
 - j. Provide an on-site child care facility.
 - k. Increase number of bicycle routes/lanes.
 - l. Provide on-site housing for employees.
 - m. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.
 - n. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
 - o. Provide pedestrian signalization and signage to improve pedestrian safety.
17. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project:
- a. Employ or appoint an Employee Transportation Coordinator.
 - b. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
 - c. Provide for shuttle/mini bus service.
 - d. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
 - e. Implement compressed work schedules.
 - f. Implement telecommuting program.
 - g. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
 - h. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
 - i. Include teleconferencing capabilities, such as web cams or satellite linkage, which

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- will allow employees to attend meetings remotely without requiring them to travel out of the area.
- j. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
 - k. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.
18. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
- a. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
 - b. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
 - c. Use built-in energy efficient appliances, where applicable.
 - d. Use double-paned windows.
 - e. Use low energy parking lot and street lights (i.e. sodium).
 - f. Use energy efficient interior lighting.
 - g. Use low energy traffic signals (i.e. light emitting diode).
 - h. Install door sweeps and weather stripping if more efficient doors and windows are not available.
 - i. Install high efficiency or gas space heating
19. **Prior application for construction permits**, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.
20. **Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to (optional - the CDFG and) the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
21. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

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22. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
23. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).
24. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
26. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

**Conditions to be completed prior to occupancy or final building inspection
/establishment of the use**

27. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
28. **Prior to final inspection**, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).
29. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

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30. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
31. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
32. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
33. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Grading, Drainage, Sedimentation and Erosion Control

34. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices.

Fencing

35. **Prior to occupancy or final inspection**, provide a final fencing plan for the site.
36. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-going conditions of approval (valid for the life of the project)

37. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map “checkprints” to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Brian Pedrotti
and reviewed by Kami Griffin

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (BP)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-309

DATE: September 22, 2005

PROJECT/ENTITLEMENT: Nipomo Village Plaza Tract Map SUB2003-00314, Tract 2652

APPLICANT NAME: George Newman

ADDRESS: 1361 Viva Way Nipomo, CA 93444

CONTACT PERSON: Same as applicant

Telephone: 805-929-4236

PROPOSED USES/INTENT: Request by George Newman, Land Development, LLC to allow for 1) a planned development, 2) subdivision of five parcels totaling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of sale and/or development, and 3) allow for the construction of a mixed use development including a three-story, 112-unit support facility (97,600-square feet); a restaurant and conference facility (16,000 square feet); and retail, office and professional buildings (totaling approximately 130 square feet), which will result in the disturbance of approximately 21 acres. The proposed project is within the Commercial Retail and Office & Professional land use categories.

LOCATION: On the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo. The site is in the South County (Inland) planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District; State Water Resources Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on October 6, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency

☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Brian Pedrotti

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Nipomo Village Plaza Tract Map SUB2003-00314 Tract 2652

Project Applicant

Name: George Newman
Address: 1361 Viva Way
City, State, Zip Code: Nipomo, CA 93444
Telephone #: 805-929-4236

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____
- () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: _____

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Nipomo Village Plaza Tract Map SUB2003-00314 Tract 2652

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

B. D. Roberts
Prepared by (Print)

Brian Pedotti
Signature

9/9/05
Date

Steven McMaster
Reviewed by (Print)

Ellen Carroll
Signature

Ellen Carroll,
Environmental Coordinator
(for)

9/9/05
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Proposal by George Newman, Land Development, LLC for a Tentative Tract Map to subdivide five parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of development. The applicant proposes to construct a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The project would be constructed in five phases, as follows:

- Phase I: Office Buildings - Two two-story office buildings, 18,082 and 4,866 square feet in size; 116 parking spaces; and, improvements to Primrose Road and Magenta Lane
- Phase II: Nipomo Village West – One three-story, 97,619-square foot assisted living facility; four retail buildings 5,340, 7,850, 7,215, and 8,668 square feet each; one 7,800-square foot restaurant/retail building; two two-story offices, 10,503 and 9,408 square feet each; 262 parking spaces; and, improvements to Juniper Street (right turn pocket)
- Phase III: Nipomo Village East (portion) – Two office buildings, 8,679 and 8,829 square feet each; one 3,191-square foot restaurant; one 4,488-square foot retail building; and, 52 parking spaces
- Phase IV: Nipomo Village East (portion) – Three retail buildings, 8,700, 8,400, and 10,423 square feet in size, and 130 parking spaces
- Phase V: Theme Restaurant/Conference Facility – One 15,910-square foot theme restaurant and conference facility, and 173 parking spaces

The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 733 parking spaces, and the construction of two stormwater retention basins. The project will result in the disturbance of the entire 19.1-acre area, and approximately 1.9 acres of disturbance due to road improvements, for a total disturbance area of approximately 21 acres. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo. The site is in the South County (Inland) planning area.

ASSESSOR PARCEL NUMBERS: 092-572-015, -016, -017, -025, and -045 SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland)

LAND USE CATEGORIES: Commercial Retail, Office Professional

COMBINING DESIGNATION(S): None Applicable

EXISTING USES: Residences, sheds, detention basin

TOPOGRAPHY: Gently to moderately sloping

VEGETATION: Grasses, forbs, coast live oak trees, eucalyptus trees

PARCEL SIZE: 19.1 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Commercial Service/ Storage facility	<i>East:</i> Commercial Retail/ shopping center, Highway 101
<i>South:</i> Commercial Retail/ shopping center, postal service facility	<i>West:</i> Residential Single Family/ residences, undeveloped

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on the southern side of Juniper Street, immediately west of Highway 101, in the community of Nipomo (refer to Figures 1 through 3). The topography of the project site slopes up to the south, peaks at a gently sloping ridge at an elevation approximately 50 feet above Juniper Street and Tefft Street. The landform flattens out into an undeveloped field, which is bordered by Juniper Road to the north. Vegetation on the project site includes coast live oak, pine and eucalyptus trees, coastal scrub, and grasses. Existing development onsite includes scattered residences, sheds, driveways, and associated residential structures. Mary Avenue traverses the project site. Surrounding development includes the Vons shopping center and a mobile home park to the southeast, Highway 101 to the east, scattered residential development to the west, and the Sav-on commercial center to the south along Tefft Street.

Views from Tefft Street. Existing development along Tefft Street, including a church, postal service facility, and commercial/retail shopping centers obstruct most views of the project site. The overall visual character along Tefft Street is urban and commercial.

Views from Juniper Street. As seen from Juniper Street, the project site is generally undeveloped. The Vons detention basin is located in the northeast corner of the project site, and scattered residences are located throughout the project site. The Nipomo Swap Meet and a commercial storage facility are located on the north side of Juniper Street, and residential neighborhoods are located on the northern and southern sides of Juniper Street, west of the project site. The visual character along Juniper Street is urban residential, and landscaping has been incorporated into surrounding development to minimize visual impacts of development.

Views from Highway 101. Views of the project site and surrounding area are generally urban. The Nipomo Swap Meet and commercial storage facility are located on the west side of the highway, north of the project site. Commercial centers and residential neighborhoods are located on the east side of the highway. The Vons commercial shopping center is located southeast of the project site, west of Highway 101. The project site is visible from the highway for approximately 0.2 mile (approximately 8 seconds) from the southbound travel lanes, and approximately 0.1 mile (approximately 3 seconds) from the northbound travel lanes. Due to the proximity of existing commercially and industrially characterized development along the west side of the highway, the project site appears surrounded by urban development.

Impact. The applicant proposes to subdivide the project site into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of mixed commercial and retail development (refer to Figures 4 through 9). The applicant proposes to construct a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, the construction of 733 parking spaces, and the construction of two stormwater retention basins. All existing structures and trees onsite would be removed. The height of proposed commercial, retail, office, and professional structures would vary from 35 to 45 feet. The tallest structure onsite would be the assisted living facility, a three-story building, which would be 40 feet tall and include a focal point tower (55 feet in height) (refer to Figures 10 through 17). Landscaping would be installed throughout the development, as shown in Figure 18. Proposed landscaping includes a variety of trees and shrubs to be installed along the perimeter of the project site, within parking areas, and in between structures. Proposed exterior lighting includes 18-foot tall "nightsky roof optics" style post lighting, signage lighting, and crosswalk and road intersection lighting (refer to Figures 19 through 21). All lighting would be shielded and directed consistent with the County Land Use Ordinance. Signage would include monuments, wall-mounted, projecting, and marquee signs, consistent with the County Land Use Ordinance. In addition to the proposed project, an eight-foot noise wall is required to mitigate noise impacts resulting from the

operation of the proposed project. The noise wall would be located along the east, north, and western property boundaries.

Views from Tefft Street. The proposed development would be constructed behind existing development along Tefft Street. Portions of proposed Phase One (office buildings) will be visible as seen from Tefft Street, between the existing church and postal facility. Based on the location of the project site within an urban area, and the presence of surrounding development, implementation of the proposed project would not significantly change the visual character of the area, or result in a significant source of light and glare.

Views from Juniper Street. As seen from Juniper Road, the project site appears generally undeveloped. The proposed development would be located immediately adjacent to Juniper Road, and an eight-foot tall noise wall would be located along the northwestern corner. Future structures would be visible, and would silhouette into the skyline as seen from both travel lanes on Juniper Road for approximately 0.5 mile, due to the close proximity of proposed development to the road. Based on the presence of commercial and residential development in the immediate vicinity, development of the proposed project site would not significantly change the visual character of the immediate area or result in a significant source of light and glare. Construction of an eight-foot tall noise wall adjacent to the road would be visually obtrusive, resulting in a potentially significant impact.

Views from Highway 101. Future development would be visible for approximately 0.2 mile (8 seconds) as seen from the southbound travel lanes and 0.1 mile (3 seconds) from the northbound lanes of Highway 101. The existing Vons shopping center and mobile home park would partially block views of proposed structures and the eastern noise wall. Due to surrounding urban development, visibility of the project would not result in a significant change in visual character, result in a significant source of light and glare, or result in a significant visual impact.

Mitigation/Conclusion. The applicant proposes to install landscaping along the perimeter of the project site, within parking areas, and between structures. The proposed plan will need to be revised to accommodate the required noise wall. The applicant has agreed to submit revised landscape plans demonstrating the use of modified landscaping along the outer perimeter of the noise wall to soften its appearance. Visual articulation and the use of dark and muted-colored materials shall be applied to the noise wall. In addition, prior to issuance of construction permits, the applicant has agreed to submit a final color and materials board for County review and approval. Based on the location of the proposed project within an urbanized area, consistency with the County Land Use Ordinance, and incorporation of proposed design elements and landscaping, potentially significant visual impacts would be mitigated to less than significant.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located in the Commercial Retail and Office Professional land use category. The soil type and class for "non-irrigated" and "irrigated" soil, as described in the Natural Resource Conservation Service (NRCS) Soil Survey, is Oceano sand (non-irr: IV, irr: IV). Surrounding land uses include commercial and residential development. No agricultural uses are present on the project site or surrounding area.

Mitigation/Conclusion. No agricultural incompatibility impacts would occur; therefore no mitigation measures are required.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralco Way Air Quality Monitoring Station. Based on the latest air monitoring station information, the trend in air quality in the general area is improving. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact. The proposed project site is located adjacent to existing commercial and residential development, and a church along West Tefft Street. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately 21 acres of site disturbance would occur during grading activities for the construction of the building pads, structures, drainage improvements, utility installation, and on and off-site road improvements. The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the construction and operational phases of the proposed project.

As identified by the APCD, air quality impacts during construction include the creation of fugitive dust (PM10), the creation of diesel exhaust particulate matter, the potential release of asbestos during

demolition of existing structures, the potential release of naturally occurring asbestos during grading, and operational emissions.

Fugitive Dust (PM₁₀). The applicant proposes to disturb approximately 21 acres, which exceeds the APCD's significance threshold (4.0 acres) for fugitive dust (PM₁₀), resulting in a potentially significant impact.

Diesel Exhaust Particulate Matter (PM). Construction of the proposed project will include the use of numerous pieces of heavy-duty diesel equipment. In July 1999, the California Air Resources Board (CARB) listed diesel exhaust particulate matter as a toxic air contaminant (TAC) with no identified threshold level below which there are no significant effects.

Material-Containing Asbestos. Asbestos-containing materials could be encountered during the demolition, relocation, or remodeling of existing buildings and utilities. Asbestos can also be found in utility pipes/pipelines. If asbestos is present in onsite structures, proposed demolition activities would result in a release of asbestos, and a potentially significant air quality impact.

Naturally-Occurring Asbestos. The project site is located in an area containing potentially naturally occurring asbestos, serpentine or ultramafic rock. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Equipment and Use Permits. Use of portable equipment during the grading and construction phases of the project may require California statewide portable equipment registration or an APCD District permit. Use of unauthorized equipment may result in a potentially significant impact. In addition, potential uses within the retail, office, and professional buildings may require APCD approval prior to operation, including coffee roasters, dry cleaners, generators, boilers, sterilization units using ethylene oxide and incinerators, and IC engines.

Mixed-use Compatibility. The proposed project includes mixed-use development such as a 12-unit assisted living/memory support facility, a themed restaurant and conference facility, retail units, offices, and professional buildings. APCD expressed concerns that certain uses permitted within retail, office, and professional buildings would not be compatible with residential uses in the same building. This potential impact is avoided by the proposed design, residential uses are not proposed within the same buildings as retail, office, and professional buildings. In addition, no apartments, condominiums, or residences are proposed, and the assisted living facility would be located in one building set apart from the proposed retail, office, and professional areas. In addition, the proposed restaurant, retail buildings, and offices would be located approximately 75 feet from the existing mobile home park adjacent to Highway 101. Mixed-use compatibility impacts would be less than significant.

Operational Emissions. The APCD conducted a screening level air quality assessment for the operational emissions potentially generated by the proposed project, including carbon monoxide (CO), reactive organic gases (ROG), oxides of nitrogen (NOx), sulfur oxides (SOx), diesel particulate matter (PM), and fugitive dust (PM₁₀). The screening data indicated that the project will likely exceed the District's Tier II significant threshold (over 25 lbs of air pollutants per day).

Clean Air Plan Consistency. The proposed project would be located within an existing urban area, and is consistent with the *Clean Air Plan*.

Mitigation/Conclusion. To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures (refer to Exhibit B for a complete list).

Fugitive Dust (PM₁₀). To minimize fugitive dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Diesel Exhaust Particulate Matter (PM). To minimize the potential for diesel exhaust particulate matter emissions, the applicant has agreed to maintain all equipment, use CARB fuel, and install emission reduction retrofit devices on equipment.

Material-Containing Asbestos. Prior to demolition of onsite structures or underground pipes, the applicant has agreed to comply with the requirements listed in the *National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP)*. These requirements include, but are not limited to: 1) APCD notification; 2) completed asbestos survey conducted by a Certified Asbestos Inspector; and, 3) applicable removal and disposal requirements of identified asbestos-containing materials.

Naturally-Occurring Asbestos. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally-occurring asbestos. If asbestos is present, the applicant would comply with *Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations*. These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Equipment Permits. To ensure compliance with State and Local regulations, the applicant has agreed to contact the APCD to obtain all applicable registrations and/or permits for use of portable equipment. In addition, the applicant has agreed to consult with the APCD prior to establishment of certain uses and operation of the proposed project.

Operational Emissions. To mitigate for operational emissions, the applicant has agreed to incorporate a variety of site design, alternative transportation/transportation demand management, energy efficiency, and clean vehicle measures.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - Will the project:

- a) Result in a loss of unique or special status species or their habitats?

Potentially
Significant

☐

Impact can
& will be
mitigated

☐

Insignificant
Impact

☒

Not
Applicable

☐

5-42

4. BIOLOGICAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site consists a partially disturbed area adjacent to commercial and residential development. Vegetation on the project site consists of grasses, forbs, shrubs, coast live oak trees (*Quercus agrifolia*), pine trees, and eucalyptus trees. Based on the California Natural Diversity Database (2005), no special status species are documented in the immediate vicinity. The project site is located within vernal pool habitat region; however, no evidence of vernal pools or areas of standing water were observed onsite. No evidence of wetland or riparian vegetation was observed onsite.

Impact.

Native and Important Vegetation. Three coast live oak trees are present on the project site. The applicant submitted an arborist's report stating that the three coast live oak trees are in fair condition. The applicant proposes to remove all three coast live oak trees.

Sensitive Wildlife Species. The mature trees on the project site provide potential habitat for nesting birds, which are protected by California Fish and Game Code Section 3500-3516. Nesting birds may be disturbed or harmed by tree removal, grading activities, disruptive construction equipment noise, and increased human activity near nesting areas, resulting in a potentially significant impact.

Mitigation/Conclusion. The applicant has agreed to plant twelve coast live oak trees onsite to mitigate for the loss of three coast live oak trees. To avoid impacts to nesting birds, the applicant has agreed to retain a County-approved biologist to conduct a preconstruction survey for nesting birds (during the nesting season). If nesting birds are observed, the birds and nest shall be avoided until the young have left the nest. Based on the above discussion and implementation of mitigation measures, impacts to biological resources would be reduced to insignificance.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. CULTURAL RESOURCES -

Will the project:

c) *Disturb paleontological resources?*

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

☐
☐
☒
☐

d) *Other* _____

☐
☐
☐
☐

Setting. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. A *Cultural Resources Survey and Impact Assessment* (C.A. Singer & Associates, Inc.; March 15, 2004), *Phase II Subsurface Testing CA-SLO-809* (C.A. Singer & Associates, Inc.; December 19, 2004), *Phase II Subsurface Testing 128 Mary Avenue* (C.A. Singer & Associates, Inc.; December 2, 2004), and the *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report* (Greenwood and Associates; May 2005) were completed for the project site.

Archaeological Resources. The project site is located in an area historically occupied by the Obispeño Chumash. Based on the results of the records search and Phase I field survey, small quantities of prehistoric artifacts were observed on the project site, in addition to significant recorded sites in the immediate region (C.A. Singer & Associates, Inc.; March 15, 2004). Based on these findings, Phase II subsurface testing was conducted to determine the boundaries and depth of archaeological resources. Observed resources were determined to be surficial (C.A. Singer & Associates, Inc.; December 19, 2004). In addition, many of the deposit areas were disturbed (C.A. Singer & Associates, Inc.; December 2, 2004). An extensive Phase III Testing and Data Recovery Program was implemented on adjacent parcels to delineate the western, northern, and southern boundaries of an adjacent archaeological site. The Phase II report conducted for the proposed project concluded that resources observed on the project site are materials associated with the adjacent recovered site, and are solely superficial (C.A. Singer & Associates, Inc.; December 19, 2004).

Historical Resources. Based on the *Supplemental Historical Resources Evaluation Report* prepared for the project site and adjacent parcels, the community of Nipomo began expanding westward towards the mesa in the early 1920s. The 1922 USGS map documents Tefft Street and Juniper Street as unimproved (dirt) roads, and Magenta Lane and Mary Avenue appear to have been farm roads prior to 1939. County residential building records document that the earliest buildings erected in this area date to the early 1900's. Commercial development in the area commenced in the 1960s. Historical aerials show the project site and adjacent area developed by residences and fruit orchards.

Paleontological Resources. The proposed project site is located on sand dune deposits, which are generally too young to contain significant paleontological resources.

Impact.

Archaeological Resources. Based on the results of the Phase I and Phase II reports, it is unlikely that significant subsurface archaeological resources are present on the project site; however, unknown subsurface resources may be present and destroyed during future grading and excavation activities.

Historical Resources. Based on the results of the *Supplemental Historical Resources Evaluation Report*, three residences, two garages, a "fruit house", two water tower/tank houses, one shed, one Quonset hut, a barn, a "bedrooms building", one bunkhouse, and one shop, were constructed over 50 years ago. These structures are located at three separate addresses, and are summarized below.

170 Magenta Lane

Emma and Leon L. Brouhard constructed the residence onsite in 1925, and the garage was constructed in 1937. The residence is a one-story, gabled structure, and displays a moderate to high level of design integrity. Alterations and additions include a porch, access ramp, and addition to the rear of the structure. Research conducted on the Brouhard's did not indicate a significant contribution to the history of Nipomo or the region, and the property is not known to be the site of any important historical events. The structures are common to the area, and do not display any significant characteristics. Based on these reasons, the property and associated structures are not eligible for inclusion on the California Register, and are not considered significant historical resources (Greenwood and Associates; May 2005).

625 Juniper Street

This property was historically part of the Brouhard farm, and was purchased by Leonard Hart in 1944. Mr. Hart constructed the residence, tank house, and fruit house onsite in 1944. The residence consists of plank-wall construction, and is extremely deteriorated. The tank house consists of standard construction, and is in a deteriorated condition. The "fruit house" was used by Mr. Hart for the storage of apricots. All three buildings have common features, and do not possess significant design characteristics. Research conducted on the Harts did not indicate a significant contribution to the history of Nipomo or the region, and the property is not known to be the site any important historical events. Based on these reasons, the property and associated structures are not eligible for inclusion on the California Register, and are not considered significant historical resources (Greenwood and Associates; May 2005).

128 Mary Avenue

This property was historically owned by Joseph and Mary Shiffrar. A residence, tank house, barn, and shop were built in 1924, and an additional shop was added in 1954. The "bedrooms" building was added 1938. The residence is a one-story front-gabled residence in fair condition. The "bedrooms" building functioned as an annex to the residence, and did not include a kitchen or bathroom. This structure is in very poor condition. The tank house and barn are in deteriorated condition, and did not possess any significant design features. The garage/shop was constructed in 1955 as an ancillary building. This structure is deteriorated. The bunkhouse appears to date to the mid 1900's, and may have been moved to the property in 1972. An additional shop was added to the property in 1954. This structure is simple and devoid of stylistic elements. The integrity of the design has been compromised by the removal of doors, windows, and exterior wall finishes. The seven buildings onsite have common features, and do not possess significant design characteristics. All buildings are deteriorated, and the historical integrity of each has been compromised by the removal of wall material, doors, windows, and other elements. Research conducted on the Shiffrars did not indicate a significant contribution to the history of Nipomo or the region, and the property is not known to be the site any important historical events. Based on these reasons, the property and associated structures are not eligible for inclusion on the California Register, and are not considered significant historical resources (Greenwood and Associates; May 2005).

The *Supplemental Historical Resources Evaluation Report* concluded that none of the resources investigated with the Nipomo Village Plaza project area meet the eligibility criteria for the California Register listing, and the potential effects resulting from removal of these structures would be less than significant (Greenwood and Associates; May 2005).

Mitigation/Conclusion. Based on the lack of discovery of subsurface materials, a Phase III Testing and Data Recovery Program is not necessary. To ensure that unknown resources are not uncovered and destroyed during construction of the proposed project, the applicant has agreed to retain a County-approved archaeologist and Native American representative to monitor grading activities associated with each proposed phase of development. Based on implementation of these measures, impacts to archaeological resources would be mitigated to less than significant.

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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Change rates of soil absorption, or amount or direction of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Include structures located on expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Involve activities within the 100-year flood zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Preclude the future extraction of valuable mineral resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project site is gently to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide and liquefaction potentials are low. No active faulting is known to exist on or near the project site. The project is within a known area potentially containing serpentine or ultramafic rock or soils. There is no evidence that measures above what would already be required by ordinance or code are necessary.

Drainage. The area proposed for development is outside the 100-year Flood Hazard designation. The closest source of surface water from the proposed development is Nipomo Creek, located approximately 0.5 mile to the east. As described in the NRCS Soil Survey, the soil is considered well drained. The applicant proposes to install two retention basins onsite. Based on the results of the

Soils Engineering Report prepared for an adjacent development proposed by the applicant, the soils onsite have differing percolation rates, and recommends excavation down to suitable material and consistent maintenance of stormwater basins to ensure effectiveness (Earth Systems Pacific; January 13, 2004). There is no evidence that measures above what would already be required by ordinance or code are necessary.

Sedimentation and Erosion. The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell characteristics. Implementation of the proposed project would result in the disturbance of approximately 21 acres. The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate NPDES general permits. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs.

Impact. Grading for and construction of the proposed project would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Total grading activities and site disturbance would be approximately 21 acres for the proposed project, and would be subject to County Ordinance requirements (Section 22.52.090 Erosion and Sedimentation Control Plan) and the NPDES program.

Mitigation/Conclusion. Pursuant to Clean Water Act regulations, the applicant is required to prepare and implement a SWPPP during construction to minimize off-site sedimentation and erosion impacts. Based on the above discussion and implementation of a SWPPP, geology and soils impacts would be mitigated to insignificance and no further measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5-47

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

f) Other _____

☐
☐
☐
☐

Setting/Impact. The project is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. No significant fire safety concerns were identified (Gilbert Portillo; June 27, 2004). The project is not within the Airport Review area. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. A *Commercial Parcel Map Plan* was issued by CDF, and included standard fire safety measures to be implemented by the applicant. These measures include a fire extinguishing system, fire alarm system, commercial cooking standards, installation of portable fire extinguishers, roof access, a commercial water storage system, water supply connection, emergency vehicle access and addressing, and inspection requirements (Gilbert Portillo; June 27, 2004). Implementation of standard requirements and compliance with the California Fire Code would minimize potential fire risk to less than significant and no additional mitigation measures are necessary.

8. NOISE - Will the project:

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

a) *Expose people to noise levels which exceed the County Noise Element thresholds?*

☐
☒
☐
☐

b) *Generate increases in the ambient noise levels for adjoining areas?*

☐
☒
☐
☐

c) *Expose people to severe noise or vibration?*

☐
☐
☒
☐

d) Other _____

☐
☐
☐
☐

Setting. The proposed project site is located immediately west of Highway 101, immediately south of Juniper Street, and approximately 300 feet north of West Tefft Street. Highway 101 and West Tefft Street are the primary sources of noise in the area. According to the *County Noise Element*, the eastern portion of the project site is within the 65 Ldn noise contour, and the majority of the remaining area is within the 60 to 65 Ldn noise contour (County of San Luis Obispo; May 1992). Noise sensitive land uses in the immediate vicinity include a mobile home park to the northeast (adjacent to the highway, north of Vons), a mobile home park to the northwest near Encino Street (approximately 180 feet to the west) and residences to the northwest, west, and proposed residences to the southwest.

Impact.

Noise Generation. Implementation of the proposed project would result in the generation of traffic trips, which would contribute to the cumulative generation of transportation-related noise. The applicant submitted an *Acoustical Analysis*, including noise measurement results and recommended mitigation measures. The analysis reported that noise levels along the east property boundary (adjacent to the mobile home park) range from 53 to 54 average decibels (dB). The average noise

level at Encino Lane is 63 average dB. Operation of the proposed facilities, including truck deliveries, use of loading docks, use of air conditioners and exterior mechanical equipment, and use of parking areas may expose existing nearby residential uses to a significant level of noise. The residential threshold for noise generated by a stationary source (such as the proposed project), is 50 average dB (daytime) and 45 average dB (nighttime). The *Acoustical Noise Analysis* determined that noise generated by the proposed project would exceed the residential noise level threshold by 37 dB, and the daytime threshold by 17 dB (Gordon Bricken & Associates; January 31, 2005).

Noise Exposure. The applicant proposes to construct a mixed-use development including a restaurant, offices, retail shops, professional units, and an assisted living facility. Based on the *County Noise Element*, the threshold for acceptable exposure to transportation-related noise for both nursing/personal care and offices is 60 dB outdoor, and 45 dB indoor. Noise exposure between 60 and 75 dB is conditionally acceptable. Based on these noise contours, proposed buildings L (restaurant), M (retail), N (retail), and P (retail) would be exposed to outdoor noise 65 dB and greater, and indoor noise 45 dB and greater. Restaurant and retail land uses are not considered noise-sensitive (*County Noise Element*; May 1992). The remainder of the proposed assisted living, retail, professional, and office buildings would be located within the 60 to 64 dB (indoor noise 40 to 44 dB) noise contour, with the exception of buildings B (retail) and S (office), which would be located outside the 60 dB noise contour. Standard construction measures would attenuate interior noise exposure by approximately 20 dB, reducing noise from 60 to 64 dB to 40 to 44 dB. In addition, existing and future structures constructed closer to the noise sources (Highway 101 and West Tefft Street) would attenuate both indoor and outdoor noise levels within acceptable limits.

Mitigation/Conclusion. To mitigate for the generation of noise exceeding acceptable thresholds, the *Acoustical Analysis* recommends constructing eight-foot tall noise walls along the northeastern boundary surrounding the mobile home park, the entire western property boundary (1,100 feet), and 300 feet along the northern property boundary (as shown in Exhibit C). Operational measures include limiting truck deliveries to daytime hours (7:00 a.m. to 7:00 p.m.), prohibition of truck and/or trailer refrigeration units onsite, post signage prohibiting the use of truck horns and honking, use of noise-minimizing rooftop mechanical units, construct noise buffering around rooftop equipment, and limit parking lot sweepers to daytime hours (7:00 a.m. to 7:00 p.m.). Implementation of these measures would mitigate potential noise impacts to less than significant.

9. POPULATION/HOUSING -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Implementation of the proposed project would not substantially induce growth or use a substantial amount of fuel or energy. Three deteriorated residences would be removed; these dwellings are not habitable. The proposed assisted living facility, offices, restaurant, retail units, and professional units would provide employment opportunities; however, due to the size and location of the proposed project, it would not create a substantial need for new housing in the area. Based on the South County Inland Area Plan, the Nipomo region was characterized by rapid residential growth during the 1980's without corresponding commercial development. The plan encourages the development of additional commercial services to serve existing residential development.

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County has recently adopted a revised Housing Element. One of the new Housing Element Programs Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2005. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no additional mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo CDF Station 20) is located approximately one mile to the east. The closest Sheriff substation is in Oceano, which is approximately ten miles from the proposed project. The project is located in the Lucia Mar Unified School District. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address this impact and will

reduce the cumulative impact to a level of insignificance.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The County Trails Plan does not show a future trail on the proposed project site. The proposed project was referred to the County Department of General Services Parks Division for review. The Parks Division did not identify any project-specific potentially significant impacts (Jan DiLeo; July 6, 2004). The applicant is required to pay standard required Public Facility fees.

Mitigation/Conclusion. No significant impacts to recreational resources were identified, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**12. TRANSPORTATION/
CIRCULATION - Will the project:**

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

i) Other _____

☐
☐
☐
☐

Setting. The proposed project would be accessed from the North Frontage Road, Juniper Street, Mary Avenue, and Magenta Avenue. The North Frontage Road currently dead-ends near the eastern boundary of the project site. Mary Avenue and Magenta Avenue intersect West Tefft Street, approximately 500 and 1,000 feet, respectively, from the Highway 101 and Tefft Street interchange. The North Frontage Road is located on the west side of Highway 101, and provides access to the Nipomo Swap Meet and adjacent commercial and industrial uses along the highway. Juniper Street is a two-lane local road providing access to residential development between Pomeroy Road and the North Frontage Road. Mary Avenue is a two-lane collector that currently connects West Tefft Street to Juniper Street. Magenta Avenue is a two-lane local road that currently dead-ends in a dirt road near the postal facility, at the southwest boundary of the project site.

Impact. In addition to the proposed project, the applicant proposes to improve Mary Avenue, Juniper Street, and Magenta Avenue, and construct access roads throughout the development. Improvements would be constructed pursuant to County standards, and include turn lanes, crosswalk and intersection lighting, sidewalks, a bike lane, and curbs. Entry and exit locations would be located on Juniper Street (four), Magenta Avenue (one), Mary Avenue (six and one pedestrian crosswalk/breezeway), and the North Frontage Road (one). The proposed project was referred to the California Department of Transportation (Caltrans) and County Public Works Department for review. Caltrans expressed concern regarding existing conditions at the Highway 101 and Tefft Street interchange (James Kilmer; October 8, 2004). The Public Works Department is currently consulting with Caltrans regarding future improvements to the Highway 101 and Tefft Street interchange. Based on traffic calculations and analysis completed by the Public Works Department, the Level of Service at the Highway 101 and Tefft Street interchange is LOS D (Richard Marshall; April 8, 2005). All other existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways. The Public Works Department reviewed the proposed development, and determined that no project-specific traffic impacts would occur.

The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

Mitigation/Conclusion. The proposed project is located within the Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

**13. WASTEWATER - Will the
project:**

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

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13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project's waste disposal needs would be served by the Nipomo Community Services District (NCSD). The NCSD operates two sewage treatment plants, the Southland Wastewater Works and the Black Lake Wastewater Works. The Southland facility serves the main community, including the proposed project site. Based on the County *Annual Resource Summary Report* (2004), the Southland facility was at 47.4 percent capacity, based on a served population of 7,810. The facility would reach capacity at a population of 16,477. Implementation of the proposed project would not significantly affect the capacity of the facility.

Mitigation/Conclusion. The NCSD issued a preliminary intent-to-serve letter for sewer services. A final will-serve letter from the District would be required prior to recordation of the final map. No additional measures are necessary.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is gently to moderately sloping. Standard drainage and erosion control

measures and preparation of a SWPPP (refer to Section 6) would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The NCSD uses water extracted from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria). Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area"; 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 1.8% growth limit, as depicted in the Growth Management Ordinance. The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water.

A planning area standard will be enacted by which building permits will be required to include the full range of water conservation measures, including both interior and outdoor measures. Interior measures would include: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets, and; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems. Outdoor measures would include: low water-use landscape; limited landscape area; limited turf area; low water-use plant materials; hardware; soil moisture sensors; drip irrigation system; separate meter for outdoor water management, and; an operating manual to instruct homeowner how to use and maintain water conservation hardware.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 1.8 percent growth limit. Low water-use landscapes will be required for all developer-installed landscapes on parcels of five acres or less in any land use category (currently, this provision applies to parcels of two acres or less). Homeowner provided landscaping for projects approved with Minor Use Permits, Conditional Use Permits or Site Plans must also comply with Section 22.16.020. Section 22.16.030 will also apply to projects with a potential total irrigated landscape area of 1,500 square feet or greater (currently, projects less than 2,500 square feet are exempt). In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

Mitigation/Conclusion. To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6

gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use recirculating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, South County Inland Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project site is not within or adjacent to a Habitat Conservation Plan area. The proposed project is consistent with existing land uses because it is a residential project in the vicinity of mixed residential and commercial development.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)
- ☐
☒
☐
☐
- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
- ☐
☐
☒
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input checked="" type="checkbox"/>	County Parks and Recreation Division	Attached
<input checked="" type="checkbox"/>	County Assessor Department	No Response
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Department of Conservation	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input checked="" type="checkbox"/>	Public Utility Companies	In File**
<input checked="" type="checkbox"/>	Nipomo Community Services District	Attached
<input checked="" type="checkbox"/>	Nipomo Community Advisory Council	Attached
<input checked="" type="checkbox"/>	Regional Transit Authority	No Response

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input checked="" type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- C.A. Singer & Associates, Inc. March 15, 2004. *Cultural Resources Survey and Impact Assessment*.
- C.A. Singer & Associates, Inc. December 2, 2004. *Phase II Subsurface Testing at 128 Mary Avenue*.
- C.A. Singer & Associates, Inc. December 19, 2004. *Phase II Subsurface Testing at the Edge of Archaeological Site CA-SLO-809*.
- Earth Systems Pacific. January 13, 2004. *Soils Engineering Report Oak Terrace Subdivision*.
- Greenwood and Associates. May 2005. *Nipomo Village Plaza Project (Tract #2652) and the Oak Terrace Residential Project (Tract #2558) Supplemental Historical Resources Evaluation Report*.

Exhibit B - Mitigation Summary Table

Aesthetics

- V-1 **Prior to final map recordation**, the applicant shall submit a revised landscape plan incorporating the use of native, drought-tolerant, fast-growing, evergreen shrubs and trees to be planted along the outside of the noise wall.
- V-2 **Prior to issuance of construction permits**, the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.
- V-3 **Prior to issuance of construction permits**, the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.
- V-4 **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.

Air Quality

- AQ-1 **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.
 - a. Reduce the amount of disturbed area where possible.
 - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas shall be sprayed daily as needed.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

- AQ-2 Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:
- All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
 - All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
 - The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
 - Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.
- AQ-3 Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- AQ-4 Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- AQ-5 In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- AQ-6 Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- Portable generators
 - IC engines
 - Unconfirmed abrasive blasting operations
 - Concrete batch plants
 - Rock and pavement crushing
 - Tub grinders
 - Trommel screens
- AQ-7 Prior to recordation of the final map**, the applicant shall include the following notes on an additional map sheet:

- a. The following uses shall not be permitted in the same building as residential quarters: nail salons; dry-cleaners; coffee roasters; furniture refurbishing/refinishing; or, any type of spray paint operations.
- b. The following uses shall be reviewed and approved by the APCD prior to issuance of use permit: food and beverage preparation; dry cleaners; generators; boilers; sterilization unit(s) using ethylene oxide and incinerator(s); and, IC engines.

AQ-8 Prior to recordation of the final map and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:

- a. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
- b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
- c. Provide preferential carpool and vanpool parking.
- d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- e. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
- f. Increased street tree planting.
- g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
- h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
- i. Provide on-site banking (ATM) and postal services.
- j. Provide an on-site child care facility.
- k. Increase number of bicycle routes/lanes.
- l. Provide on-site housing for employees.
- m. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.
- n. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
- o. Provide pedestrian signalization and signage to improve pedestrian safety.

AQ-9 Prior to recordation of the final map and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project:

- a. Employ or appoint an Employee Transportation Coordinator.
- b. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
- c. Provide for shuttle/mini bus service.
- d. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
- e. Implement compressed work schedules.
- f. Implement telecommuting program.
- g. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
- h. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
- i. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.

- j. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
- k. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.

AQ-10 Prior to recordation of the final map and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:

- a. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
- b. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- c. Use built-in energy efficient appliances, where applicable.
- d. Use double-paned windows.
- e. Use low energy parking lot and street lights (i.e. sodium).
- f. Use energy efficient interior lighting.
- g. Use low energy traffic signals (i.e. light emitting diode).
- h. Install door sweeps and weather stripping if more efficient doors and windows are not available.
- i. Install high efficiency or gas space heating

Biological Resources

BR-1 Prior to recordation of the final map, landscape plans shall show the location of replacement oak trees. The average distance between plantings shall be no closer than 20 feet and placed in locations that will ensure long-term success and avoid competition with other landscape elements/plantings. These plans shall be approved by the County Planning Department.

BR-2 Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- BR-3 Prior application for construction permits**, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.
- BR-4 Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to (optional - the CDFG and) the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

- CR-1 Prior to recordation of the final map**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:
- List of personnel involved in the monitoring activities;
 - Description of how the monitoring shall occur;
 - Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - Description of what resources are expected to be encountered;
 - Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - Description of procedures for halting work on the site and notification procedures;
 - Description of monitoring reporting procedures.
- CR-2 During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- CR-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Geology and Soils

- GS-1 Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Recreation

- R-1** Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Wastewater

- WW-1** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

Water

- W-1** Prior to issuance of building permits, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- W-2** Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.
- W-3** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

**DEVELOPER'S STATEMENT FOR THE
NIPOMO VILLAGE PROJECT TRACT MAP SUB2003-00314 TRACT 2652**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AESTHETICS

- V-1 Prior to final map recordation,** the applicant shall submit a revised landscape plan incorporating the use of native, drought-tolerant, fast-growing, evergreen shrubs and trees to be planted along the outside of the noise wall.

Monitoring: The Planning and Building Department shall verify receipt of required plans.

- V-2 Prior to issuance of construction permits,** the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.

Monitoring: The Planning and Building Department shall verify receipt of required plans.

- V-3 Prior to issuance of construction permits,** the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.

Monitoring: The Planning and Building Department shall verify receipt of required materials.

- V-4 Prior to final inspection,** the applicant shall implement the approved landscape plan and color and materials board.

Monitoring: The Planning and Building Department shall verify compliance.

AIR QUALITY

- AQ-1 Prior to issuance of construction permits,** the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and

order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.

- a. Reduce the amount of disturbed area where possible.
- b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas shall be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-2 Prior to issuance of construction permits, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:

- a. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
- b. All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
- c. The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
- d. Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD

approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-3 Prior to issuance of demolition permits, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-4 Prior to issuance of grading and construction permits, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-5 In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-6 Prior to issuance of grading and construction permits, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:

- a. Portable generators

- b. IC engines
- c. Unconfirmed abrasive blasting operations
- d. Concrete batch plants
- e. Rock and pavement crushing
- f. Tub grinders
- g. Trommel screens

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-7 Prior to recordation of the final map, the applicant shall include the following notes on an additional map sheet:

- a. The following uses shall not be permitted in the same building as residential quarters: nail salons; dry-cleaners; coffee roasters; furniture refurbishing/refinishing; or, any type of spray paint operations.
- b. The following uses shall be reviewed and approved by the APCD prior to issuance of use permit: food and beverage preparation; dry cleaners; generators; boilers; sterilization unit(s) using ethylene oxide and incinerator(s); and, IC engines.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-8 Prior to recordation of the final map and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:

- a. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
- b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
- c. Provide preferential carpool and vanpool parking.
- d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- e. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
- f. Increased street tree planting.
- g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
- h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
- i. Provide on-site banking (ATM) and postal services.
- j. Provide an on-site child care facility.
- k. Increase number of bicycle routes/lanes.
- l. Provide on-site housing for employees.
- m. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop

- amenities.
- n. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
 - o. Provide pedestrian signalization and signage to improve pedestrian safety.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-9 Prior to recordation of the final map and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project:

- a. Employ or appoint an Employee Transportation Coordinator.
- b. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
- c. Provide for shuttle/mini bus service.
- d. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
- e. Implement compressed work schedules.
- f. Implement telecommuting program.
- g. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
- h. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
- i. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
- j. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
- k. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-10 Prior to recordation of the final map and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:

- a. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
- b. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- c. Use built-in energy efficient appliances, where applicable.
- d. Use double-paned windows.
- e. Use low energy parking lot and street lights (i.e. sodium).
- f. Use energy efficient interior lighting.
- g. Use low energy traffic signals (i.e. light emitting diode).
- h. Install door sweeps and weather stripping if more efficient doors and windows are not available.
- i. Install high efficiency or gas space heating

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Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

BIOLOGICAL RESOURCES

BR-1 Prior to recordation of the final map, landscape plans shall show the location of replacement oak trees. The average distance between plantings shall be no closer than 20 feet and placed in locations that will ensure long-term success and avoid competition with other landscape elements/plantings. These plans shall be approved by the County Planning Department.

Monitoring: The Planning and Building Department shall verify receipt of required plans.

BR-2 Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

The Planning and Building Department shall verify compliance.

BR-3 Prior application for construction permits, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.

The Planning and Building Department shall verify receipt of required items.

BR-4 Prior to commencement of any tree removal, to avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to (optional - the CDFG and) the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

The Planning and Building Department shall verify compliance.

CULTURAL RESOURCES

CR-1 Prior to recordation of the final map, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures.

Monitoring: The Planning and Building Department shall verify receipt and approval of required plan.

CR-2 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Monitoring: The Planning and Building Department and retained archaeological monitor shall verify compliance.

CR-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final

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Environmental Determination: ED04-309

Date: September 9, 2005

inspection, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: The Planning and Building Department shall verify receipt of required report.

GEOLOGY AND SOILS

GS-1 Prior to issuance of grading permits for tract improvements, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

The Planning and Building Department shall verify compliance.

RECREATION

R-1 Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Monitoring: The Planning and Building Department shall verify compliance.

WASTEWATER

WW-1 Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

The Planning and Building Department shall verify compliance.

WATER

W-1 Prior to issuance of building permits, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

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Environmental Determination: ED04-309

Date: September 9, 2005

- W-2** Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

- W-3** Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

The Planning and Building Department shall verify compliance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

George Newman
Signature of Owner(s)

9/13/05
Date

George Newman
Name (Print)

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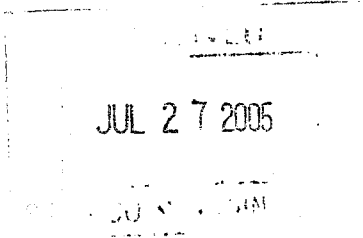
County of San Luis Obispo • Public Health Department



July 26, 2005

Cannon Associates
364 Pacific Street
San Luis Obispo, CA 93401

ATTN: DOUG DAVIDSON
RE: TENTATIVE TRACT MAP 2558/S.R. # 3521(LAN DEV LLC)
S020372T



Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

Water Supply and Wastewater Disposal

This office is in receipt of a preliminary will serve letter from the Nipomo Community Services District to provide water and sewer services to the above noted tract map. Be advised that a final will serve letter will be required prior to final recordation. Also, be advised that the water and sewer improvements shall be built to each parcel or a monetary bond submitted to the county to perform the work at a later date.

TRACT 2558 is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c Kami Griffin, County Planning
Brian Pedrotti, County Planning
NCSD
George Newman, Owner

NIPOMO COMMUNITY

BOARD MEMBERS

RICHARD MOBRAATEN, PRESIDENT
MICHAEL WINN, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
JUDITH WIRSING, DIRECTOR
CLIFFORD TROTTER, DIRECTOR



SERVICES DISTRICT

STAFF

DOUGLAS JONES, GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
DAN MIGLIAZZO, MAINTENANCE SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

November 22, 2002

George Newman
LanDev, LLC
P O Box 691
Nipomo, CA 93444

This is NOT a Will-Serve Letter

SUBJECT: INTENT-TO-SERVE WATER AND SEWER SERVICE
APN 092-572-016, 017, 025, 027, 028 & 092-134-015
NIPOMO VILLAGE PLAZA DEVELOPMENT

At their Regular Meeting on November 20, 2002, the Board of Directors of the Nipomo Community Services District considered your request for water and sewer service for your development at Juniper and Mary Streets (APN 092-572-016, etc. as above) in Nipomo. The Intent-to-Serve letter for your development was granted subject to the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Construct the improvements required and submit the following:
 - a. Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water and sewer improvements
 - b. Offer of Dedication
 - c. Engineer's Certification
 - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to APN 092-572-016 and that it has sufficient water resources and system capacity to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

5-75

George Newman
APN 092-572-016
Intent-to-Serve
November 22, 2002
Page Two

This is NOT a Will-Serve Letter

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

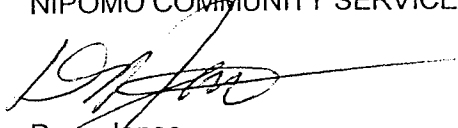
The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

A TWO YEAR EXPIRATION DATE IS IN EFFECT

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT


Doug Jones
General Manager

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

JUN 18 2004
JUN 18 2004

VICTOR HOLANDA, AICP
DIRECTOR

BP/SF

THIS IS A NEW PROJECT REFERRAL

DATE:

6/21/04

Nipomo Village Project
Land Dev. LLC

FROM

South Co. Team
(Please direct response to the above)

FROM

SUB 2003-00314
Project Name and Number

Development Review Section (Phone: 781-788-2009) ()

PROJECT DESCRIPTION:

Land Use/Division: 24 lot subdivision for Nipomo Village Dev. on 19.1 acres. Assisted living facility, offices, a restaurant, & misc. retail involved. *see both applications for details...

Return this letter with your comments attached no later than:

7/7/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES

(Please go on to Part II)

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

NO TITLE REPORT. RECOMMEND Approval - STOPS ATTACHED. ALSO ATTACHED ARE Road Design Criteria for JUNIPER & MARY from our TRANS/TRAFFIC DIVISION. IT IS ANTICIPATED THAT IMPROVEMENTS FRONTING EACH PHASE WILL BE COMPLETED WITH EACH PHASE AND THAT STRUCTURES WILL NOT BE OCCUPIED UNTIL IMPROVEMENTS ARE COMPLETE. IMPROVEMENTS TO MAGNOLIA & PRIMROSE WILL BE PARTIALLY COMPLETED WITH TRACT 255B. ANY CONCERNS TH.

26 AUG 2004

Date

GOODWIN

Name

5252

Phone

SOME Lots

CONTAIN ONLY

PARKING -

NO Bldgs ?

5-77



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

JUL 07 2004

VICTOR HOLANDA, AICP
DIRECTOR

BP/SF

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE:

6/21/04 07/06/04

Nipomo Village Project
Land Dev. LLC

TO: FROM:

Parks - Jan Di Leo

FROM: to:

South Co. Team
(Please direct response to the above)

SUB 2003-00314
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

Land Use/Division: 24 lot subdivision
for Nipomo Village Dev. on 19.1 acres. Assisted living
facility, offices, a restaurant, a misc. retail involved.
*see both applications for details...

Return this letter with your comments attached no later than:

7/7/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Require payment of Public Facility fees.

07/06/04
Date

JAN Di Leo
Name

4089
Phone

5-78



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

RECEIVED

JUL 06 2004

Planning & Bldg

DATE: July 1, 2004

TO: South County Team *BF/SF*
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MG*
San Luis Obispo County Air Pollution Control District

SUBJECT: Nipomo Village Plaza (SUB 2003-00314)

Thank you for including the APCD in the environmental review process. We have completed our review of the Nipomo Village Plaza project located on Magenta Lane and Mary Avenue in Nipomo. We have the following comments on the proposal.

Construction Phase Emissions

The air quality impacts from the construction phase of the project will exceed the District's CEQA significance threshold for grading (4.0 acres). To mitigate these emissions, District staff recommends the following measures be incorporated into the project to mitigate fugitive dust (PM₁₀) emissions.

- Reduce the amount of the disturbed area where possible;
- Water trucks or sprinkler systems should be used in sufficient quantities to prevent airborne dust from leaving the site. Watering frequency should be increased whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM₁₀ mitigation measures must be included on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Nipomo Village Plaza (SUB2003-00314)

July 1, 2004

Page 2 of 5

This project will involve the use of numerous pieces of heavy-duty diesel equipment. As you may be aware, in July of 1999 the California Air Resources Board (ARB) listed diesel exhaust particulate matter, as a toxic air contaminant (TAC) with no identified threshold level below which there are no significant effects. Therefore, the District is very concerned with projects that will produce large amounts of diesel exhaust particulate matter (PM) near public use areas. To mitigate the diesel PM generated during the construction phase, District staff recommends the following equipment emission mitigation measures be implemented:

- All construction equipment be properly maintained and tuned according to manufacturer's specifications;
- All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel;
- Maximize to the extent feasible, the use of diesel construction equipment meeting the California Air Resources Board's 1996 certification standard for off-road heavy-duty diesel engines; and
- Install diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other District approved emission reduction retrofit device on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter should be installed prior to the start of the project.

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos

Asbestos has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, a geologic evaluation will be necessary to determine if naturally occurring asbestos is present. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects.** Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Nipomo Village Plaza (SUB2003-00314)

July 1, 2004

Page 3 of 5

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Portable Equipment Permit or Registration Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Portable equipment used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators
- IC Engines
- Unconfined abrasive blasting operations
- Concrete batch plants
- Rock and pavement crushing
- Tub grinders
- Trommel screens

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Operational Phase Emissions

Mixed Use Compatibility:

As individual projects move forward it is important to keep in mind that some uses may not be compatible and could result in potential nuisance problems (i.e. odors and/or dust). Therefore, it is essential that individual uses be carefully evaluated prior to issuance of a use permit. The following uses could be problematic if residential quarters are included in the same building.

- Nail Salons
- Dry-cleaners
- Coffee Roasters
- Furniture refurbishing/refinishing
- Any type of Spray Paint Operation

In addition, it is possible when considering the range of allowable uses within the mixed-use designations District permit approval may be required. Potential uses that could be subject to District permit approval include, but are not limited to the following:

- Food and beverage preparation (primarily coffee roasters)
- Dry cleaners
- Generators
- Boilers
- Sterilization units(s) using ethylene oxide and incinerators(s)
- IC Engines

Nipomo Village Plaza (SUB2003-00314)

July 1, 2004

Page 4 of 5

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

District staff conducted a screening level air quality impact assessment for the operational emissions from this project based on the information provided in the project referral. The screening data indicated the project will likely exceed the District's CEQA Tier II significance threshold. However, with the inclusion of the following standard and discretionary mitigation measures we would consider the project mitigated to below the level of significance. The applicant should implement all feasible measures from the discretion list of mitigation measures listed below in addition to all applicable standard measures.

Standard Mitigation Measures

- Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
- Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
- Provide preferential carpool and vanpool parking.
- Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- Increase building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).

Discretionary Mitigation Measures

Discretionary Site Design Measures

- Increased street tree planting.
- Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
- Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
- Provide on-site banking (ATM) and postal services.
- Provide an on-site child care facility.
- Increase number of bicycle routes/lanes.
- Provide on-site housing for employees.
- If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.
- Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
- Provide pedestrian signalization and signage to improve pedestrian safety.

Discretionary Transportation Demand Management Measures

- Employ or appoint an Employee Transportation Coordinator.
- Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
- Provide for shuttle/mini bus service.
- Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
- Implement compressed work schedules.
- Implement telecommuting program.
- Implement a lunchtime shuttle to reduce single occupant vehicle trips.

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Nipomo Village Plaza (SUB2003-00314)

July 1, 2004

Page 5 of 5

- Participate in an employee "flash-pass" program, which provides free travel on transit buses.
- Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.

Discretionary Energy Efficiency Measures

- Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Use built-in energy efficient appliances, where applicable.
- Use double-paned windows.
- Use low energy parking lot and street lights (i.e. sodium).
- Use energy efficient interior lighting.
- Use low energy traffic signals (i.e. light emitting diode).
- Install door sweeps and weather stripping if more efficient doors and windows are not available.
- Install high efficiency or gas space heating.

Discretionary Clean Vehicles Measures

- Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e. school buses, transit buses, on and off-road heavy duty vehicles, lighter duty trucks and passenger vehicles).
- Retrofit existing equipment to reduce emissions using methods such as particulate filters oxidation catalysts, or other approved technologies.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments please contact me at 781-4667.

cc: David Dixon, SLOAPCD Engineering Division
Karen Brooks, SLOAPCD Enforcement Division
Tim Fuhs, SLOAPCD Enforcement Division

MAG/sll

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CDF/San Luis Obispo County
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

June 27, 2004

RECEIVED

JUN 28 2004

Planning & Bldg

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

Dear South County Team,

planner?

COMMERCIAL PARCEL MAP PLAN

Name: Nipomo Village Land Dev. LLC

Project Number: SUB 2003-00314

The Department has reviewed the commercial parcel map plans submitted for the proposed 24 lot subdivision, assisted living facility, offices, restaurant and retail project located on Mary and Juniper Streets, Nipomo. The property is located within the moderate fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

FIRE EXTINGUISHING SYSTEM

- The proposed project is required to install a commercial fire/life safety sprinkler system.
- The automatic fire extinguishing system shall comply with National Fire Protection Association Pamphlet 13, 231, 20, and 22 for all commercial areas and a NFPA 13R for all residential areas.
- Plans shall be submitted for review and approval to the County Building Departments.
- The Contractor shall be licensed by the State of California [CFC 1003.1.1 amended/Title 19, Section 19.20.029 (a)].
- The fire sprinkler system shall be monitored by a licensed alarm company.

FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat/smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

FIRE PROTECTION ENGINEER REQUIREMENT

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (UFC 103.1.1). If you would like a list of Fire Protection Engineers, it is available on our website at www.cdfslo.org. The Fire Protection Engineer will require that you provide working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

5-84

COMMERCIAL COOKING

- All commercial cooking shall be protected by a fire suppression system.
- Plans shall be drawn and submitted to the County Fire Department for approval.
- The system shall be installed by a licensed contractor.

PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

COMMERCIAL WATER SYSTEM

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended and Appendix III-A.
- The proposed project shall provide a minimum 1,500 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

WATER SUPPLY CONNECTION

- Several fire hydrants shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
 - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

5-85

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

C: Lan Dev., LLC, owner
Courney Architects

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
TELEPHONE (805) 549-3111
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05>



RECEIVED

JUL 28 2004

Planning & Bldg



*Flex your power!
Be energy efficient!*

July 26, 2004

SLO-101 PM 4.85
Nipomo Village Project
Sub2003-00314

New Project Referral

South County Team
San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Dear South County Team;

Thank you for submitting the new project referral for the Nipomo Village Project to the California Department of Transportation (Department), Development Review Staff for our early consideration. The following comments were generated as a result of the review.

A preliminary Development Review trip generation calculation based on the number of PM peak hour trips as a function of per-thousand square feet footprint of the Nipomo Village (buildings only), reveals that this project (including all phases) has the potential to generate over 500 PM peak hour trips in the immediate vicinity of the U.S. 101/Tefft Street Interchange. CEQA Guidelines (2004), Section 15206 (b) states that if a project generates over 500 peak hour trips, then it is considered a project of "statewide, regional or area-wide significance". A project of this magnitude places a great strain on existing transportation facilities, including the State highway system.

Given the size of this project and its virtual adjacency to the 101/Tefft Street Interchange (I/C), the Department requests that the Lead Agency require the applicant to produce a full Traffic Impact Study (TIS) to gauge this project's traffic impacts to State highway facilities.

Currently, the U.S. 101/Tefft Street I/C is experiencing severe congestion in the AM & PM peak hour. The anticipated Willow Road Extension & I/C is expected to alleviate some of the and congestion on the Nipomo Mesa. However, a project the size of Nipomo Village will in all likelihood inundate the existing

5-87

South County Team
July 26, 2004
Page 2

101/Tefft I/C (even with project phasing) with the increases in project generated traffic at that location, potentially resulting in total system failure of that State highway facility. The TIS will need to analyze traffic scenarios that include no facility improvements at either the Willow Road and Southland I/Cs, (existing conditions), and with 101/Tefft Street as it is currently configured since construction dates of the previously mentioned projects are uncertain.

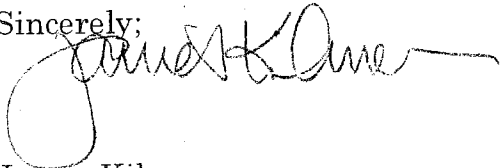
Official San Luis Obispo County Public Works projections indicate that the local Nipomo Mesa traffic impact fee program will perhaps accrue enough funds by 2046 to build the full interchange and Willow Road extension. A similar construction date has not been offered for the Southland I/C project.

The full traffic study will need to include a discussion of the mitigation strategies to be utilized to offset this project's anticipated increase in project generated traffic for both project specific and cumulative impacts at 101/Tefft Street I/C. The Department welcomes the opportunity of attending an early scoping meeting with the County and the Licensed Traffic Engineer as the TIS gets under way. The following web site is offered in order to provide the location of the Department's *Guide for the Preparation of Traffic Impact Studies*.
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.

Also, the preliminary scoping of the grading and drainage plans need to be provided to the Department's Hydraulics Staff in order that any potential issues surrounding storm water run off from the project onto U.S 101 may be reconciled promptly.

Again, thank you for the opportunity to comment on the Nipomo Village New Project Referral. If you have any questions please call me at 549-3683.

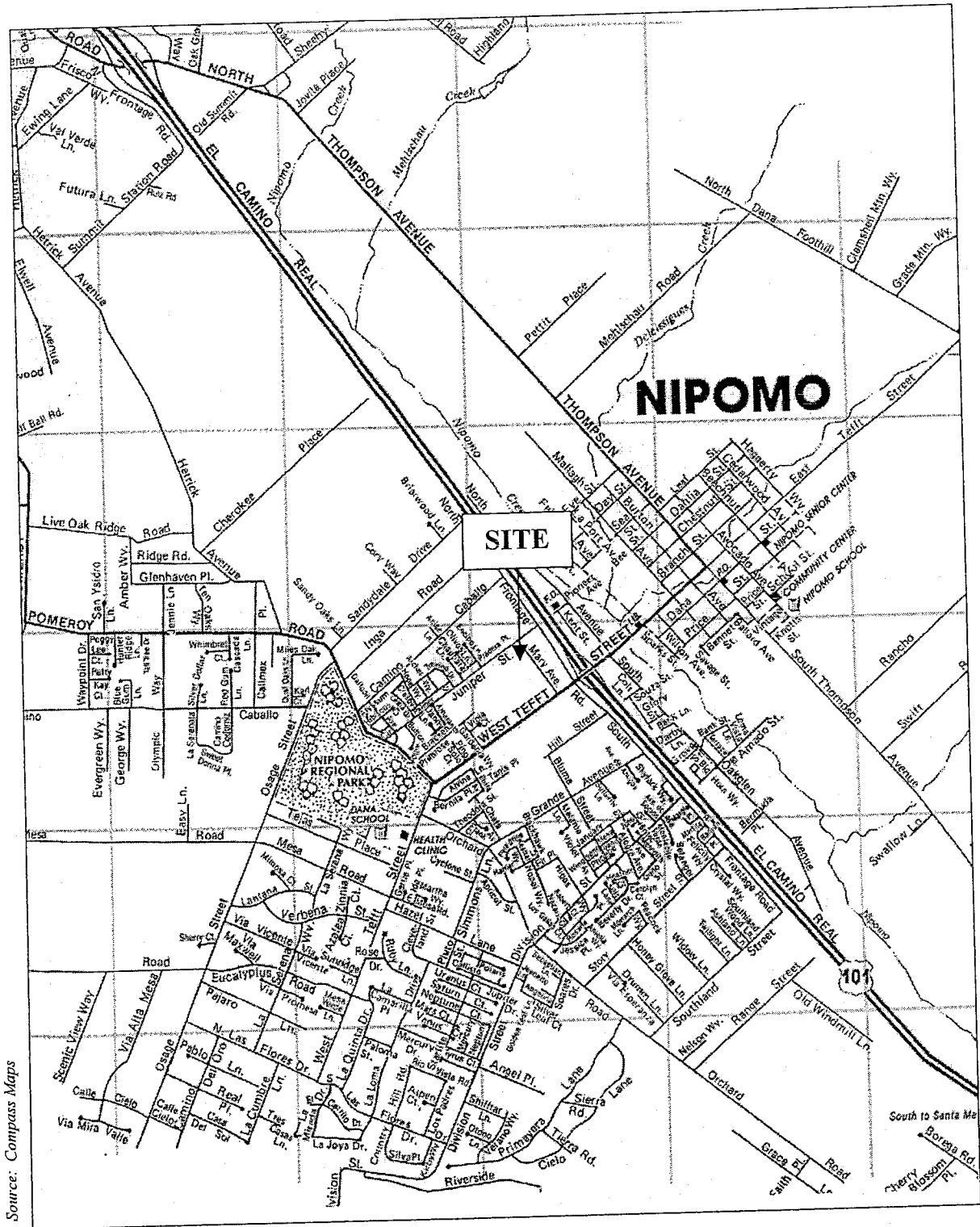
Sincerely;



James Kilmer
District 5
Development Review

cc: File, D. Murray, R. Barnes, L. Wickham, T. Farris

5-88



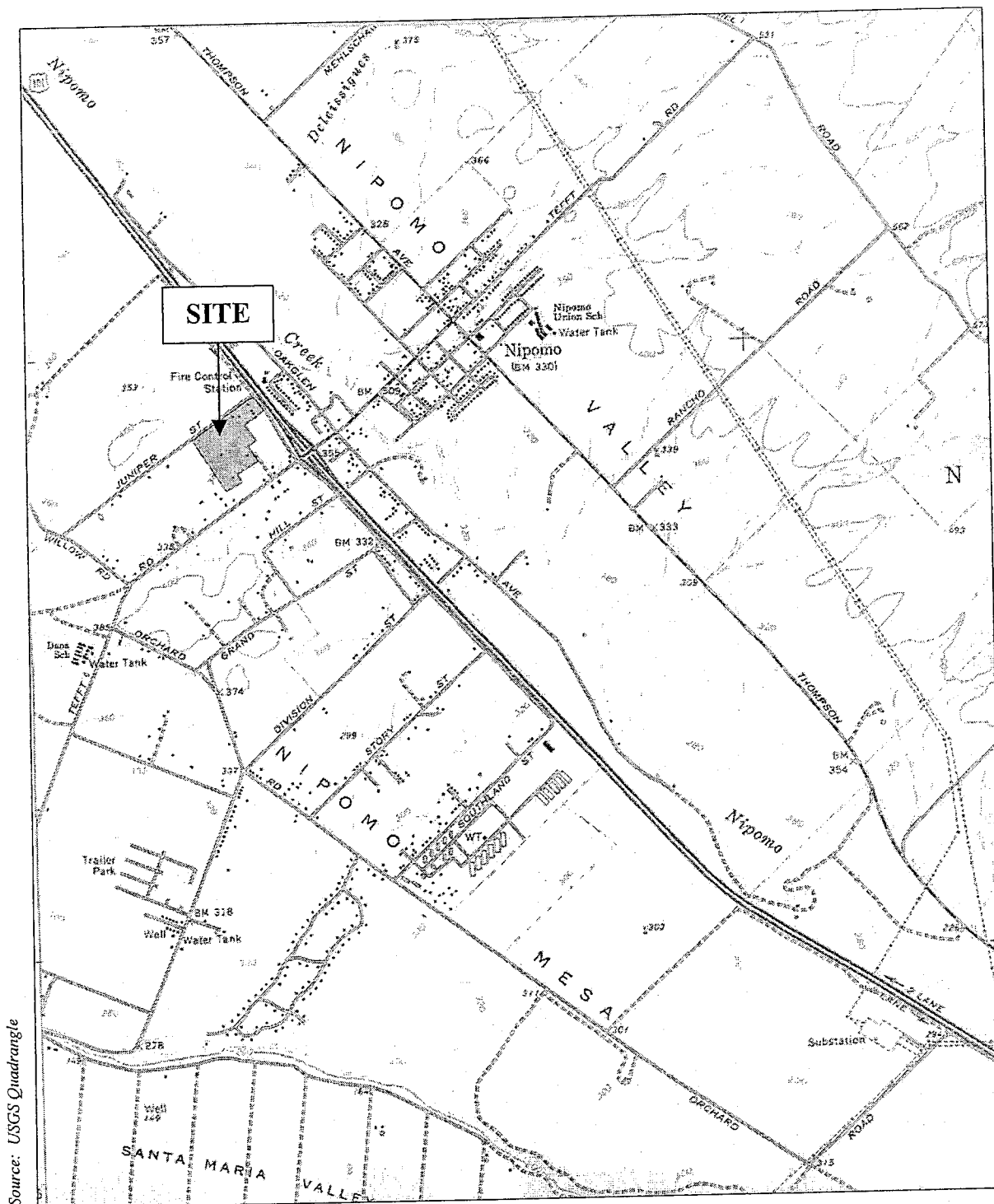
Source: Compass Maps



NORTH
Not to Scale

VICINITY MAP
FIGURE 1

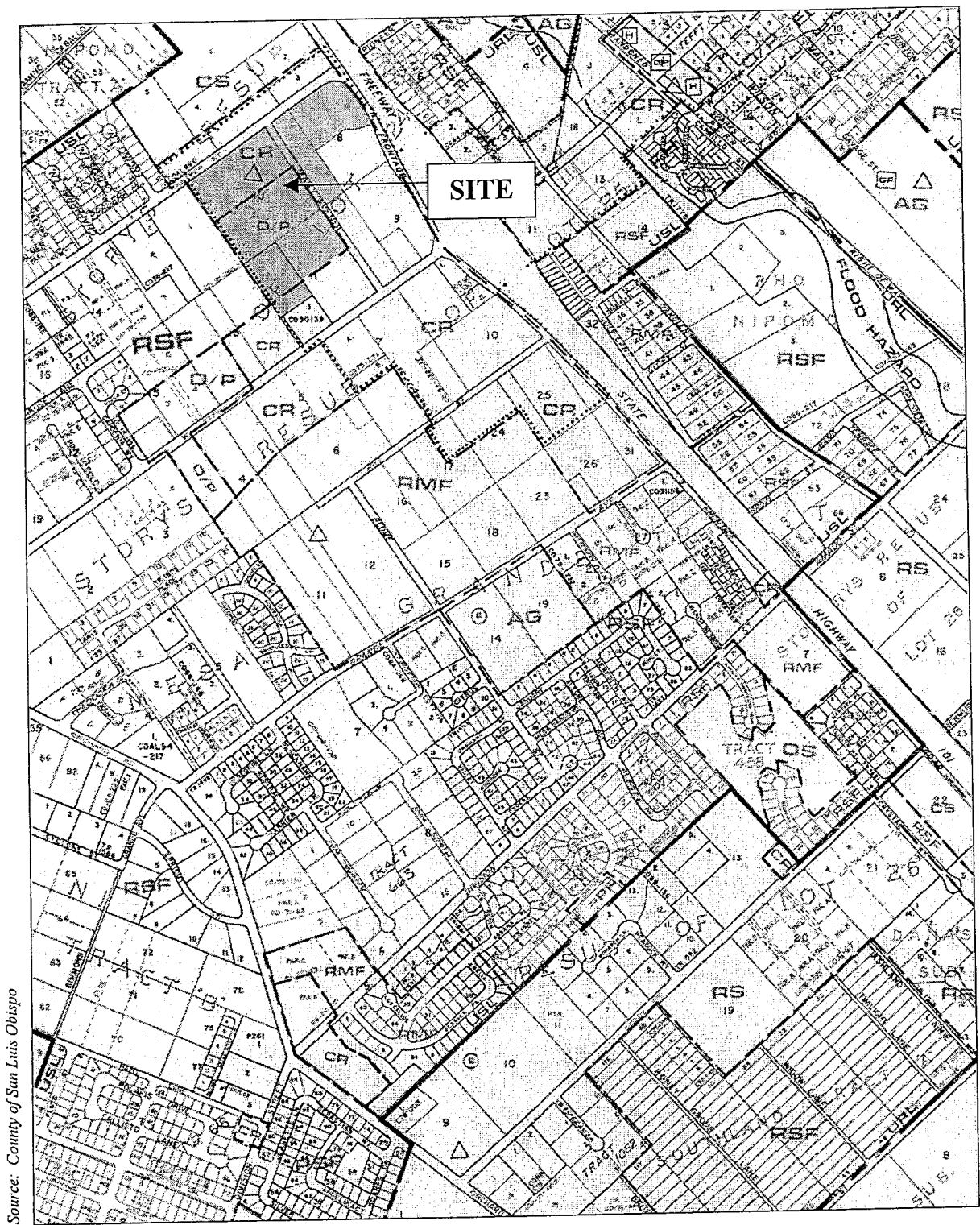
5-89



NORTH
Not to Scale

USGS LOCATION MAP
FIGURE 2

5-90



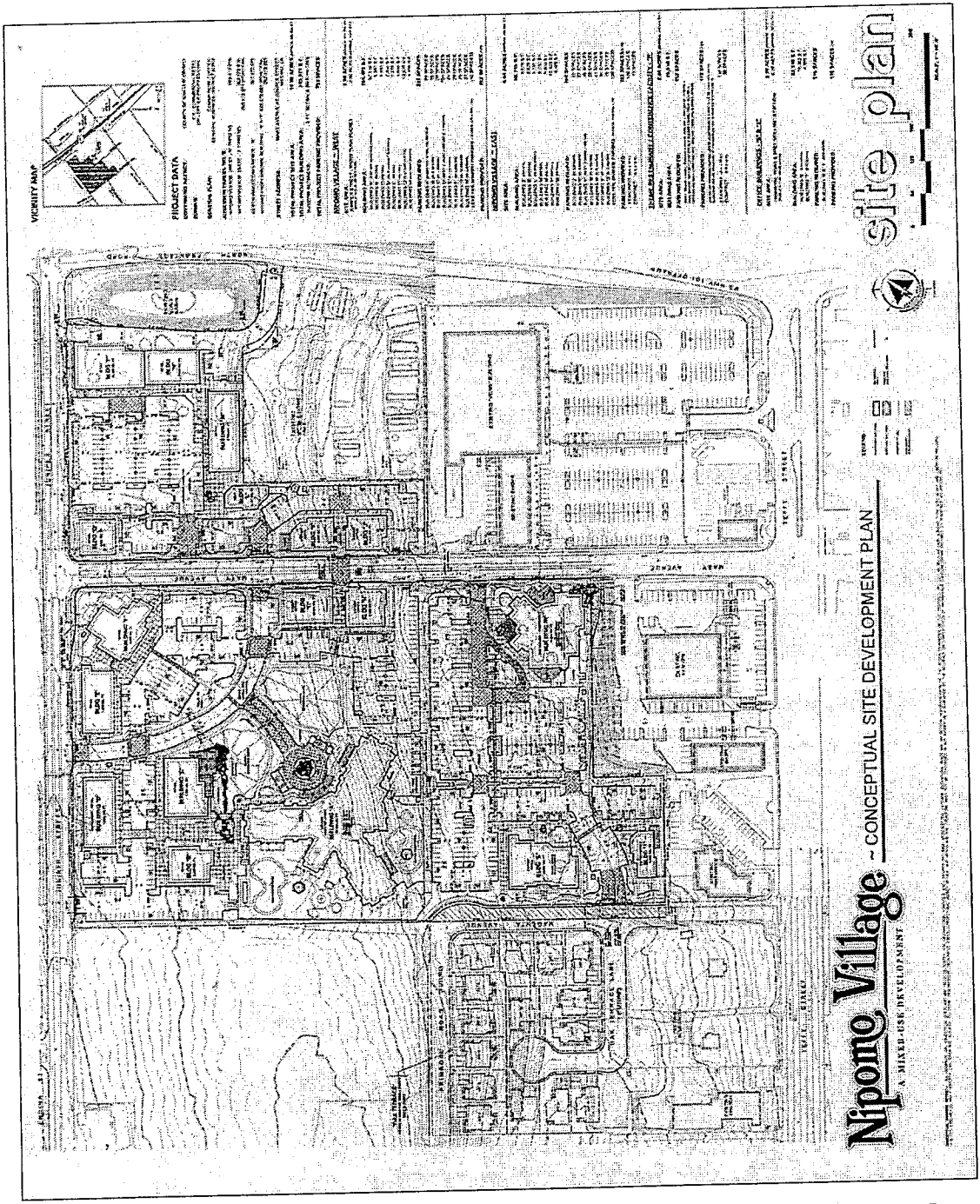
Source: County of San Luis Obispo



NORTH
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LAND USE CATEGORY
FIGURE 3

5-97



Source: Land Dev, LLC, Courtney Architects

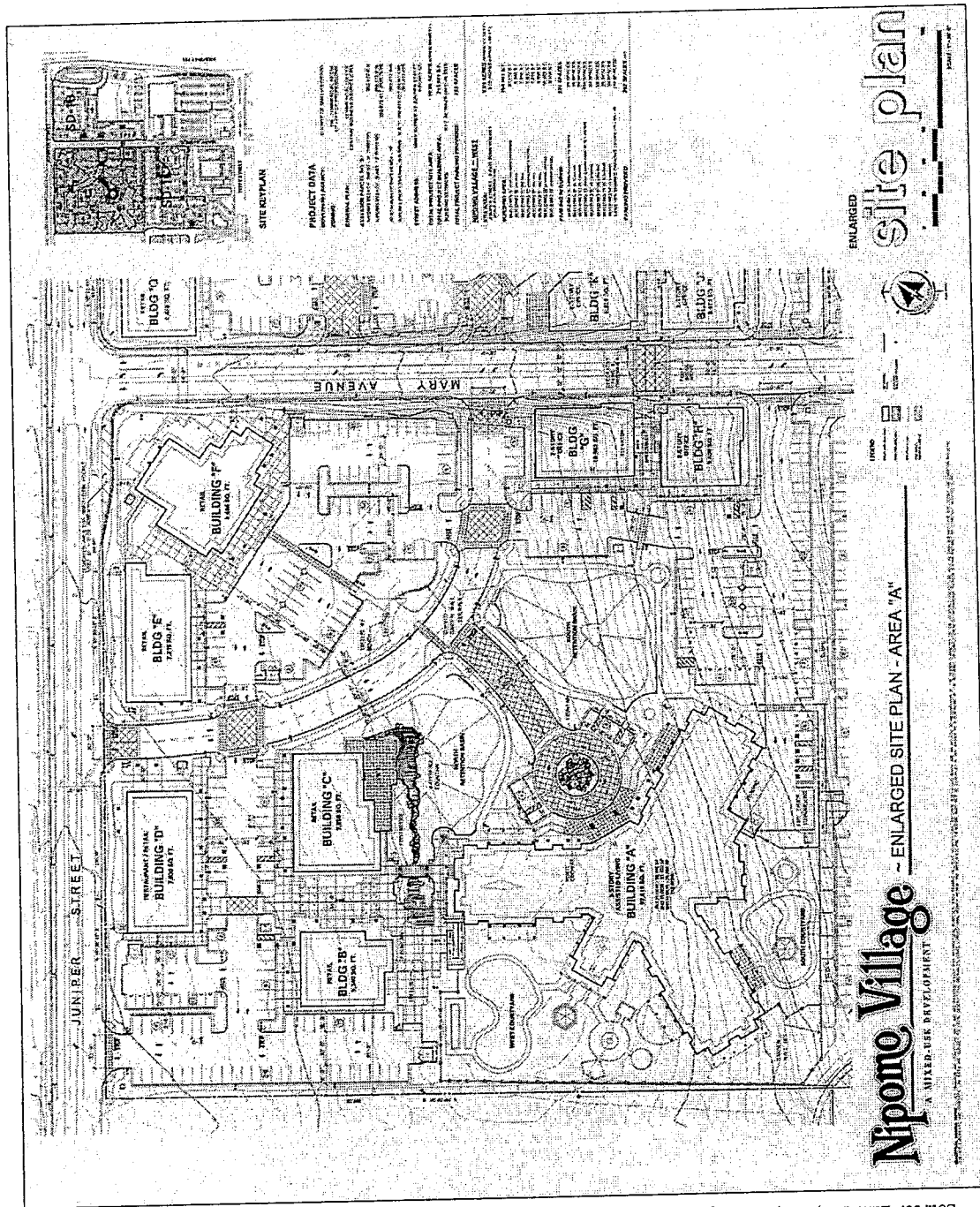


NORTH
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Morro Group, Inc.

SITE PLAN
FIGURE 4

5-93

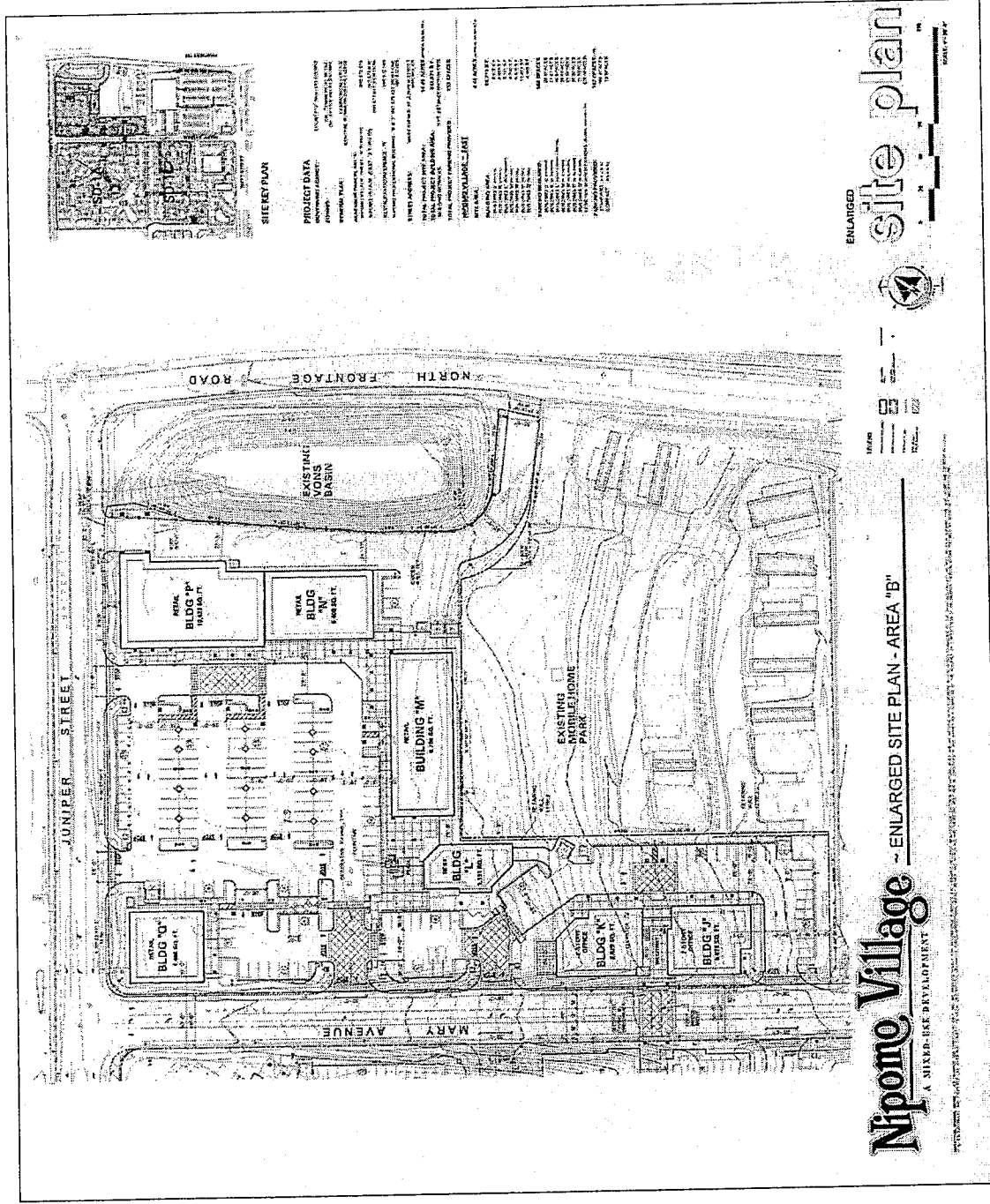


NORTH
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Morro Group, Inc.

ENLARGED SITE PLAN
FIGURE 6

5-94



Source: Land Dev, LLC, Courtney Architects

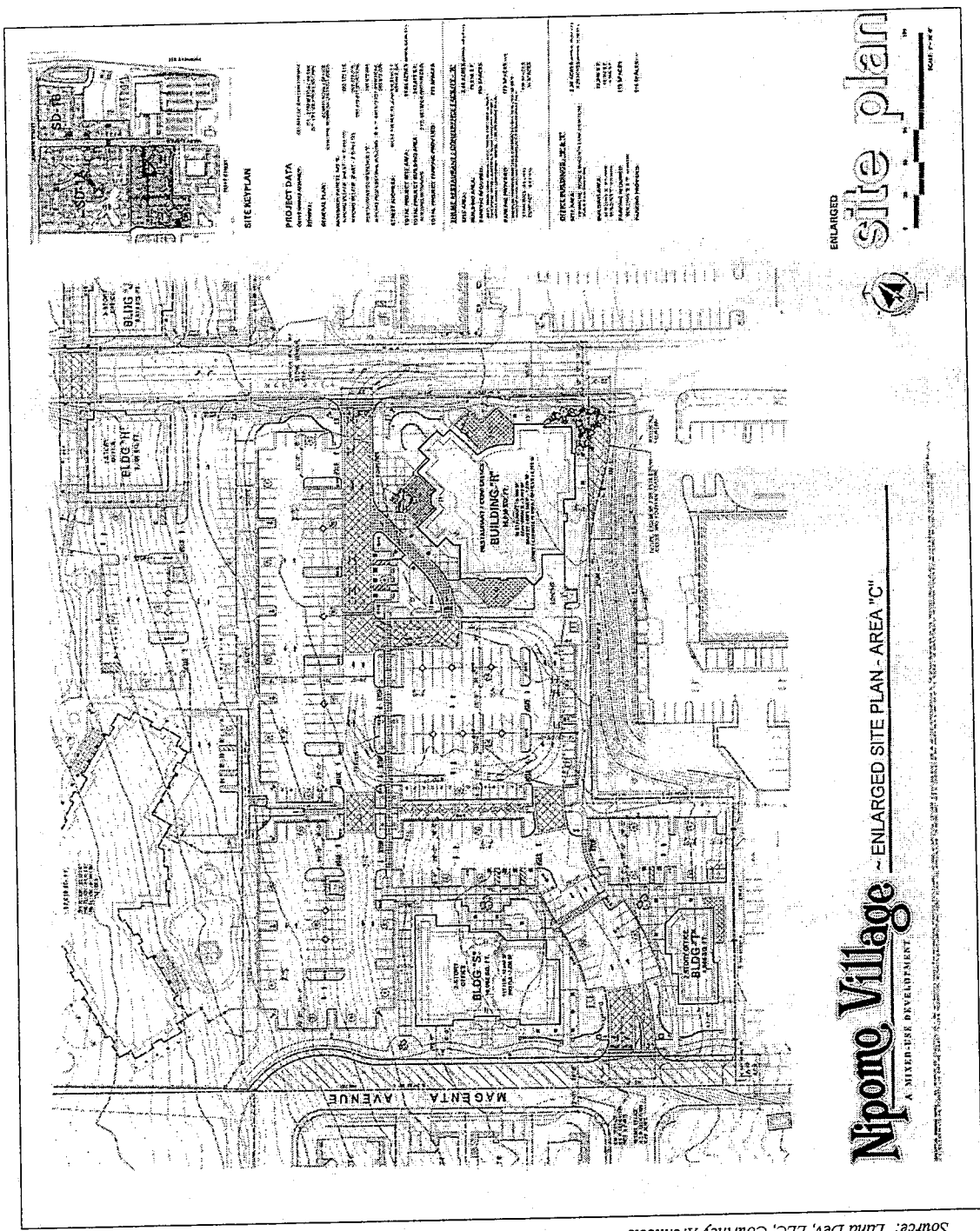


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Morro Group, Inc.

ENLARGED SITE PLAN
FIGURE 7

5-95



Source: Land Dev, LLC, Courtney Architects

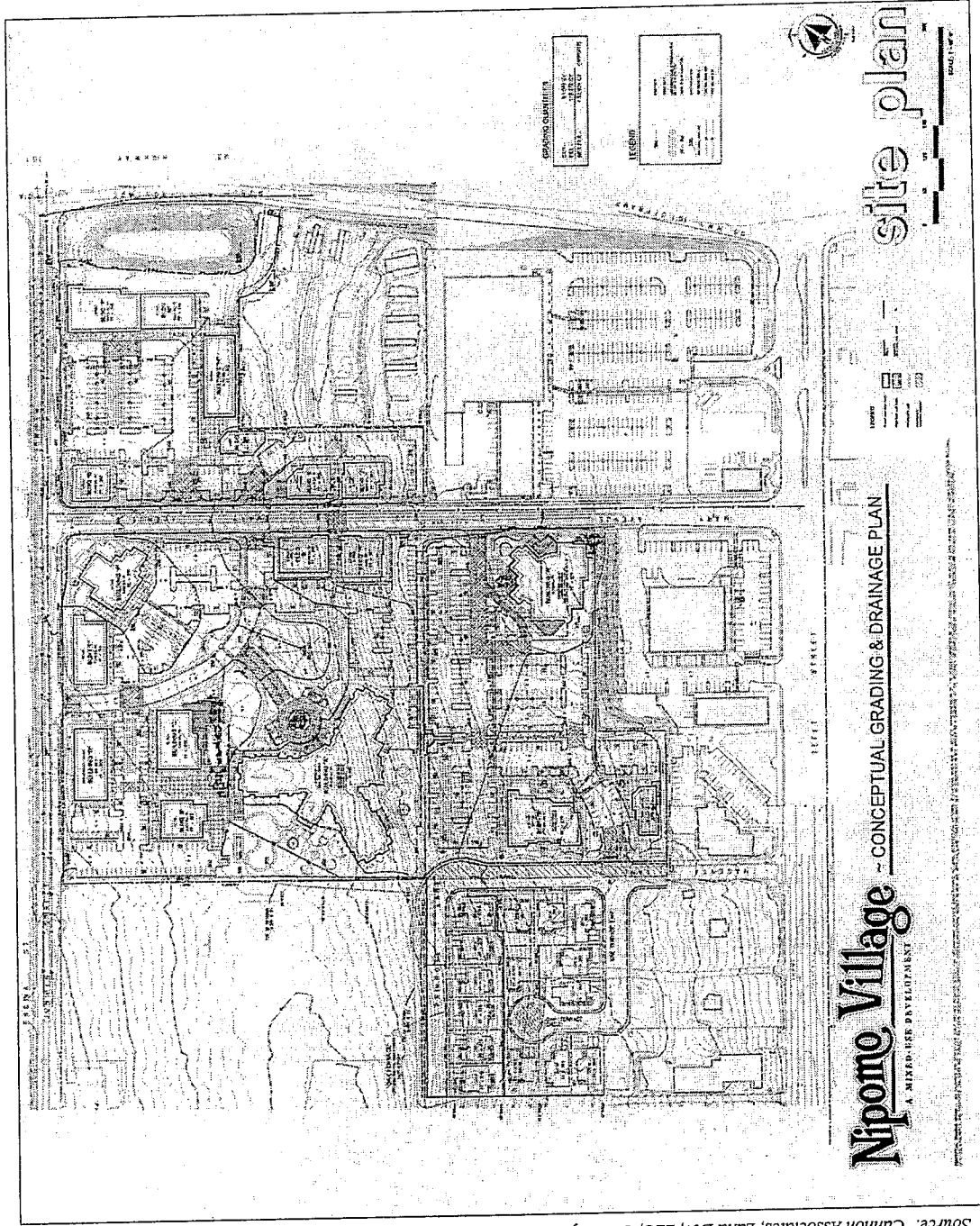


NORTH
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Morro Group, Inc.

ENLARGED SITE PLAN 8
FIGURE 8

5-96

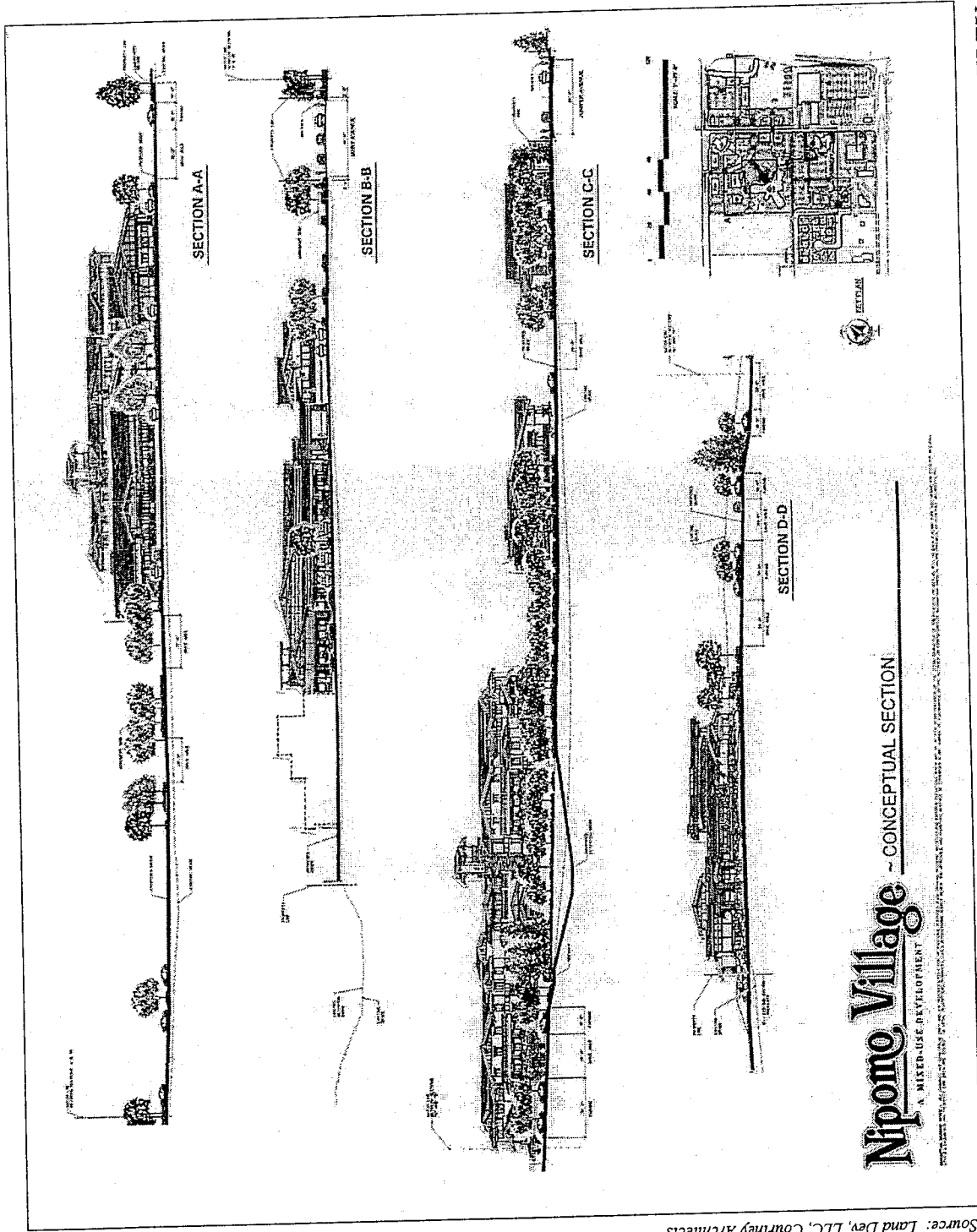


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Morro Group, Inc.

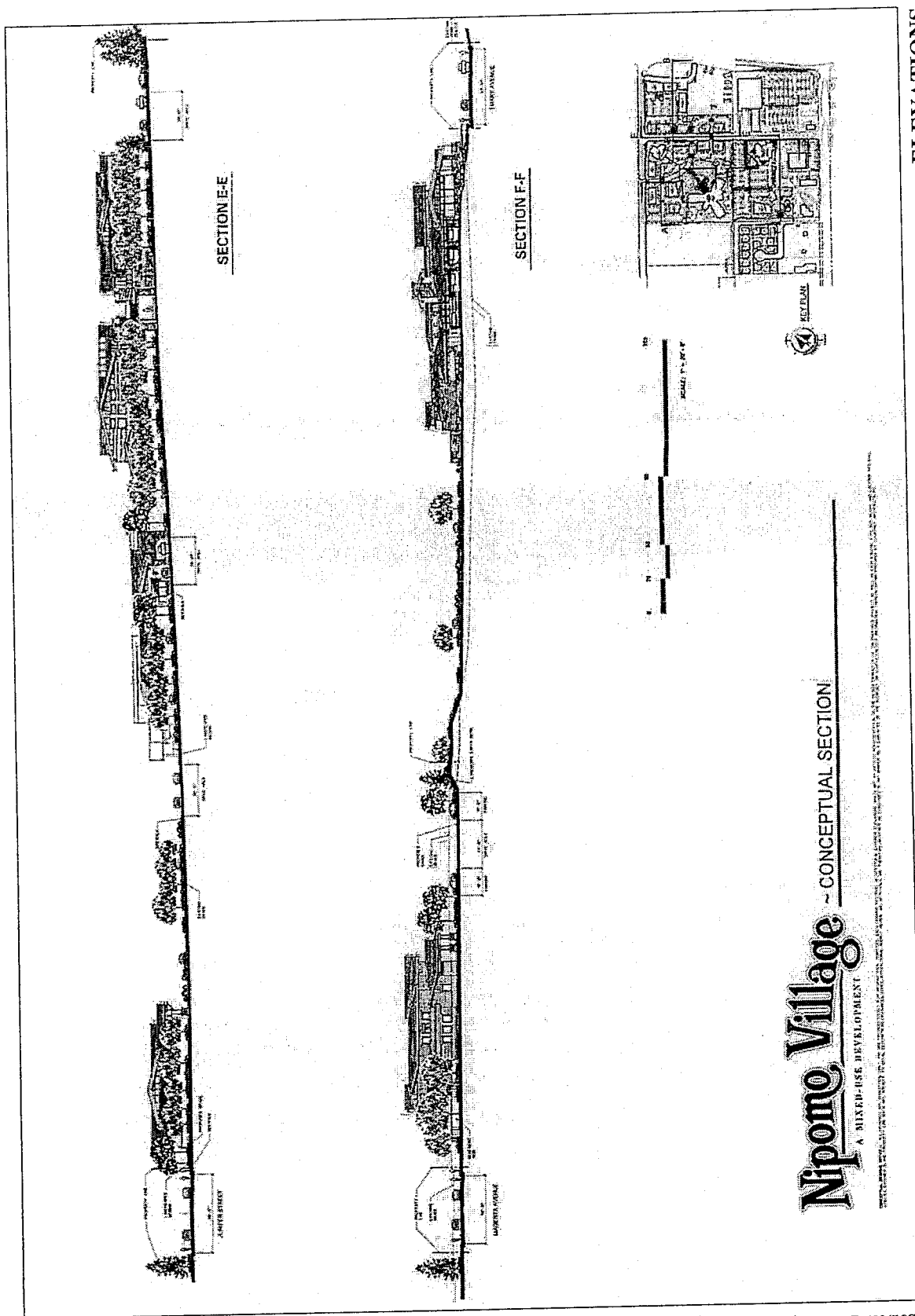
GRADING AND DRAINAGE PLAN
FIGURE 9

5-97



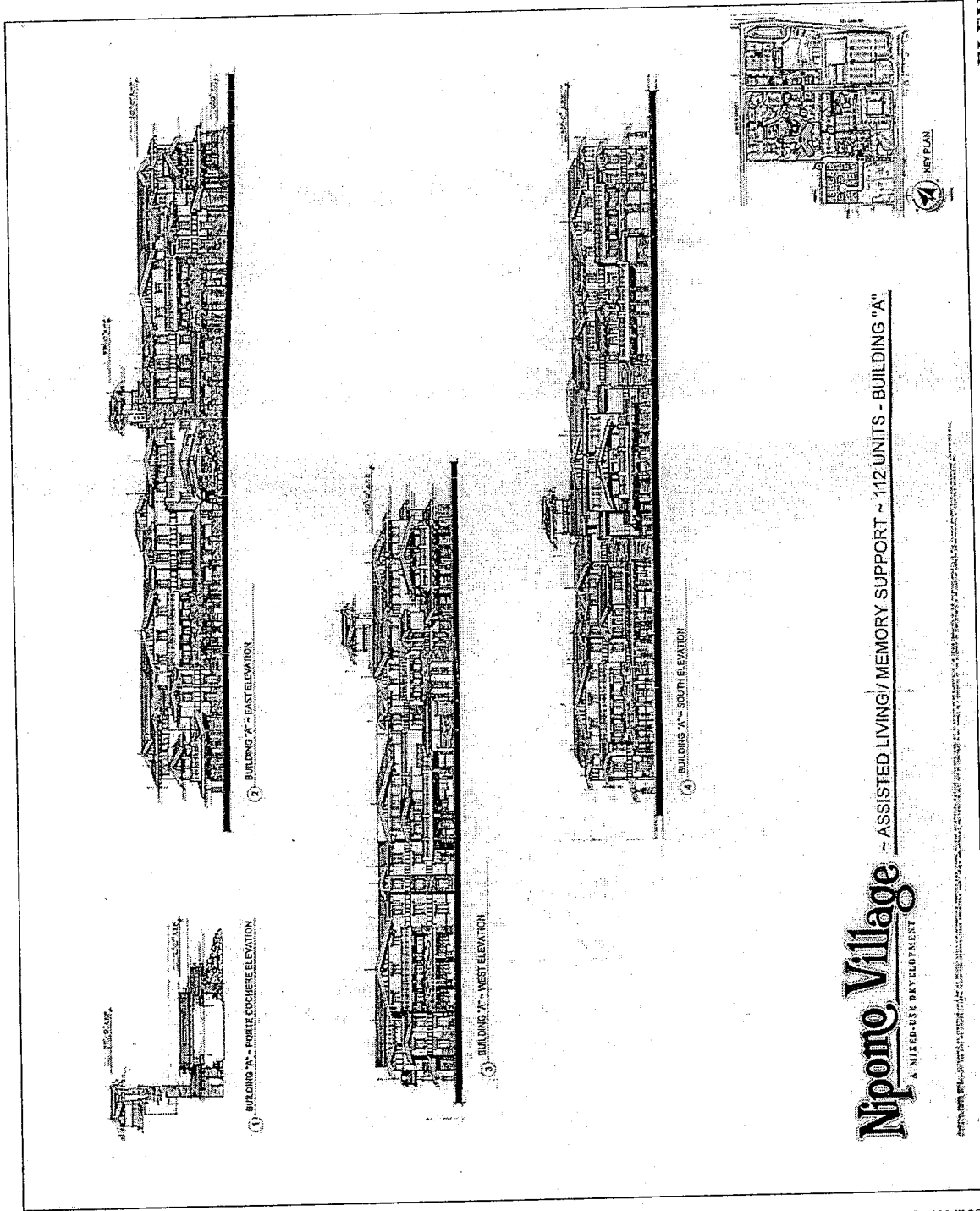
ELEVATIONS
FIGURE 10

5-98



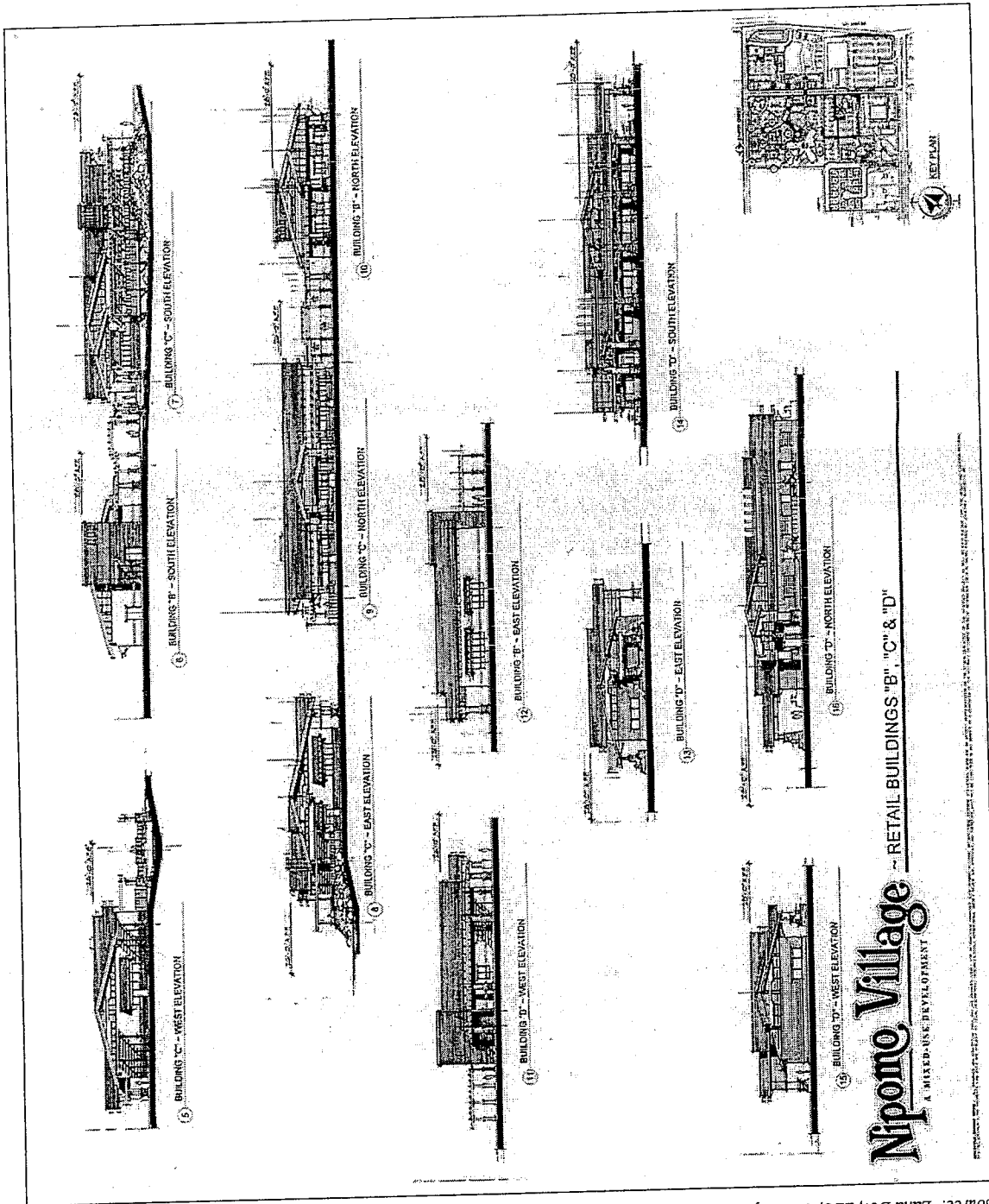
ELEVATIONS
FIGURE 11

5-99



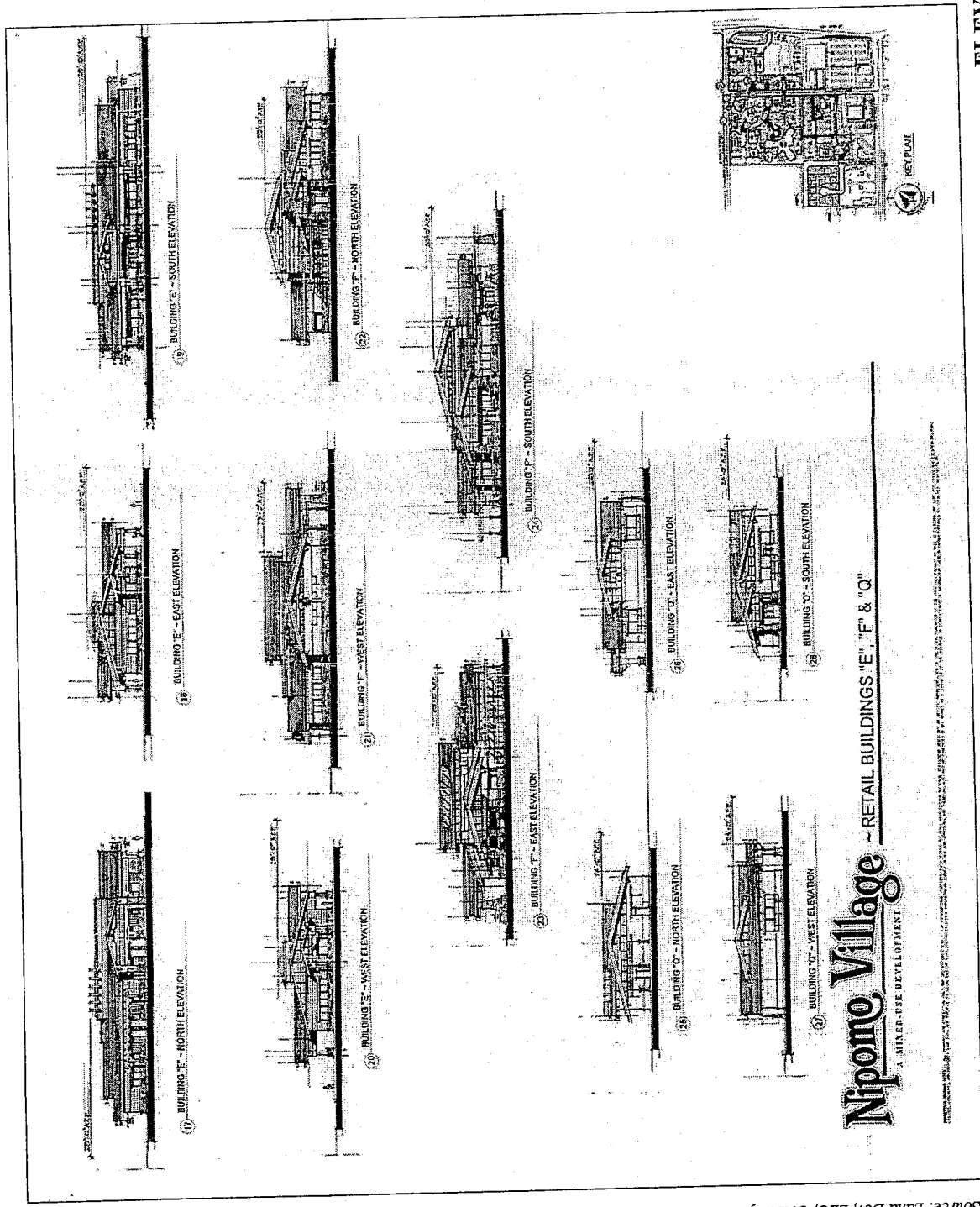
ELEVATIONS
FIGURE 12

5-100



ELEVATIONS
FIGURE 13

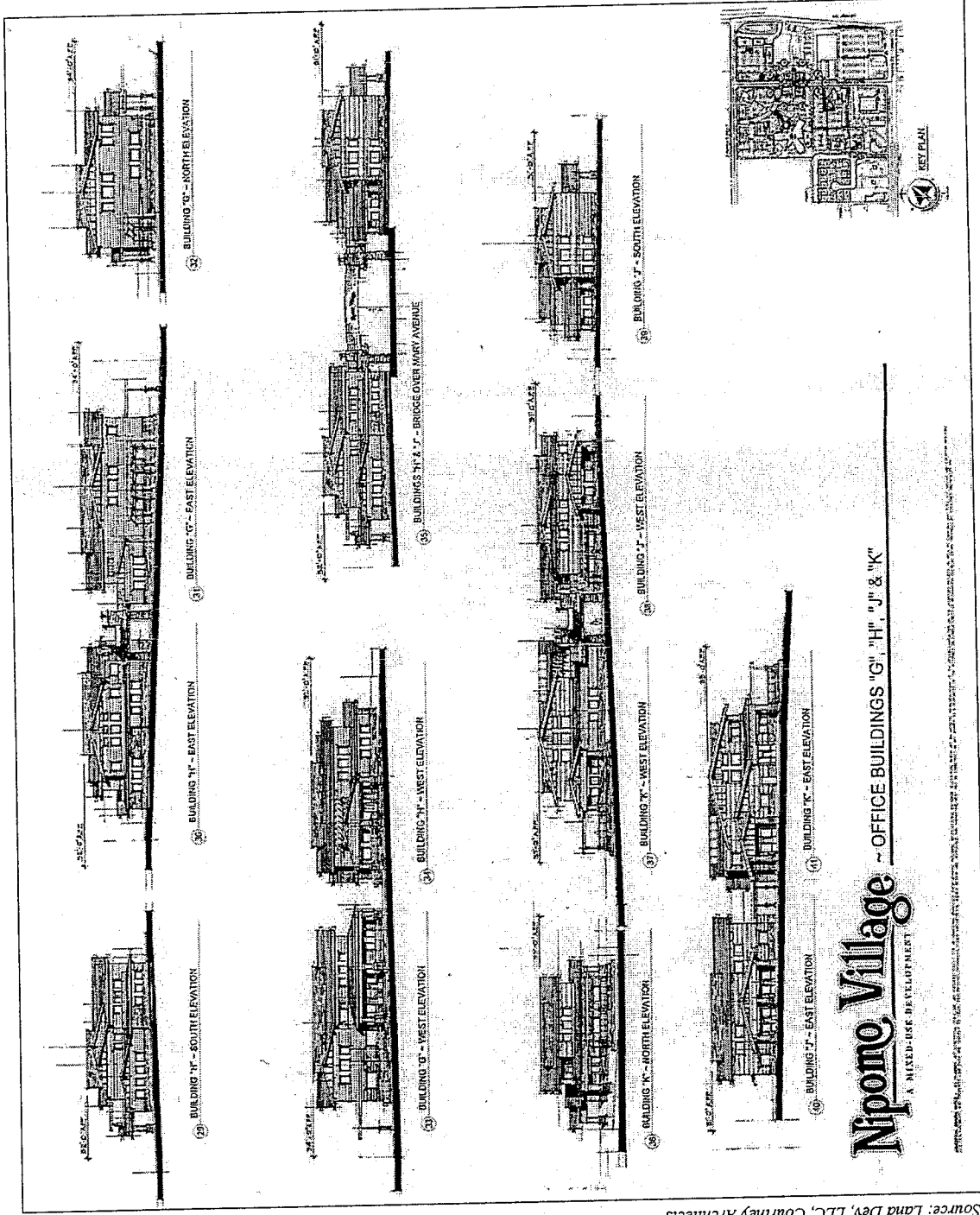
5-107



Source: Land Dev, LLC, Courtney Architects

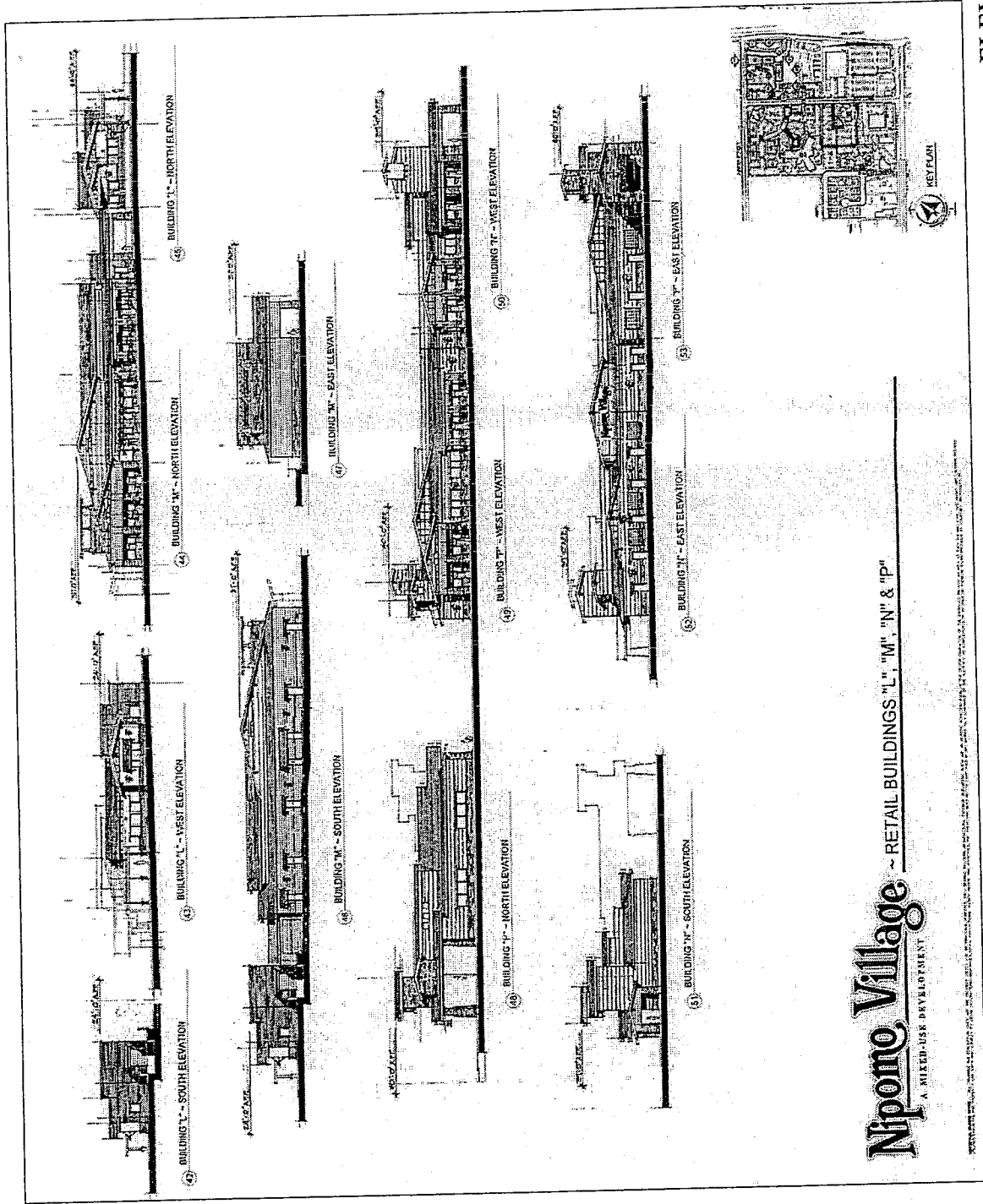
ELEVATIONS
FIGURE 14

5-102



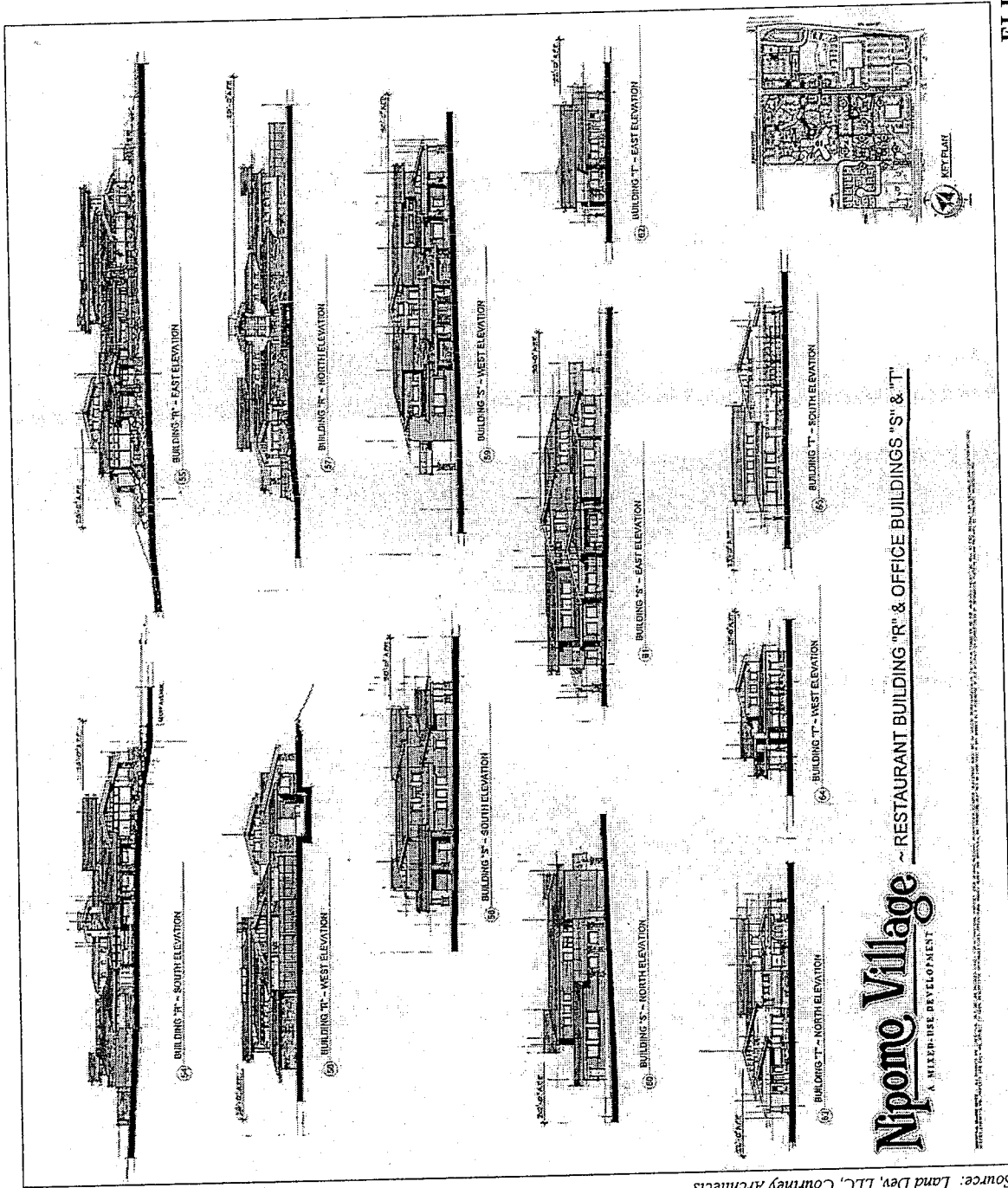
ELEVATIONS
FIGURE 15

5-103

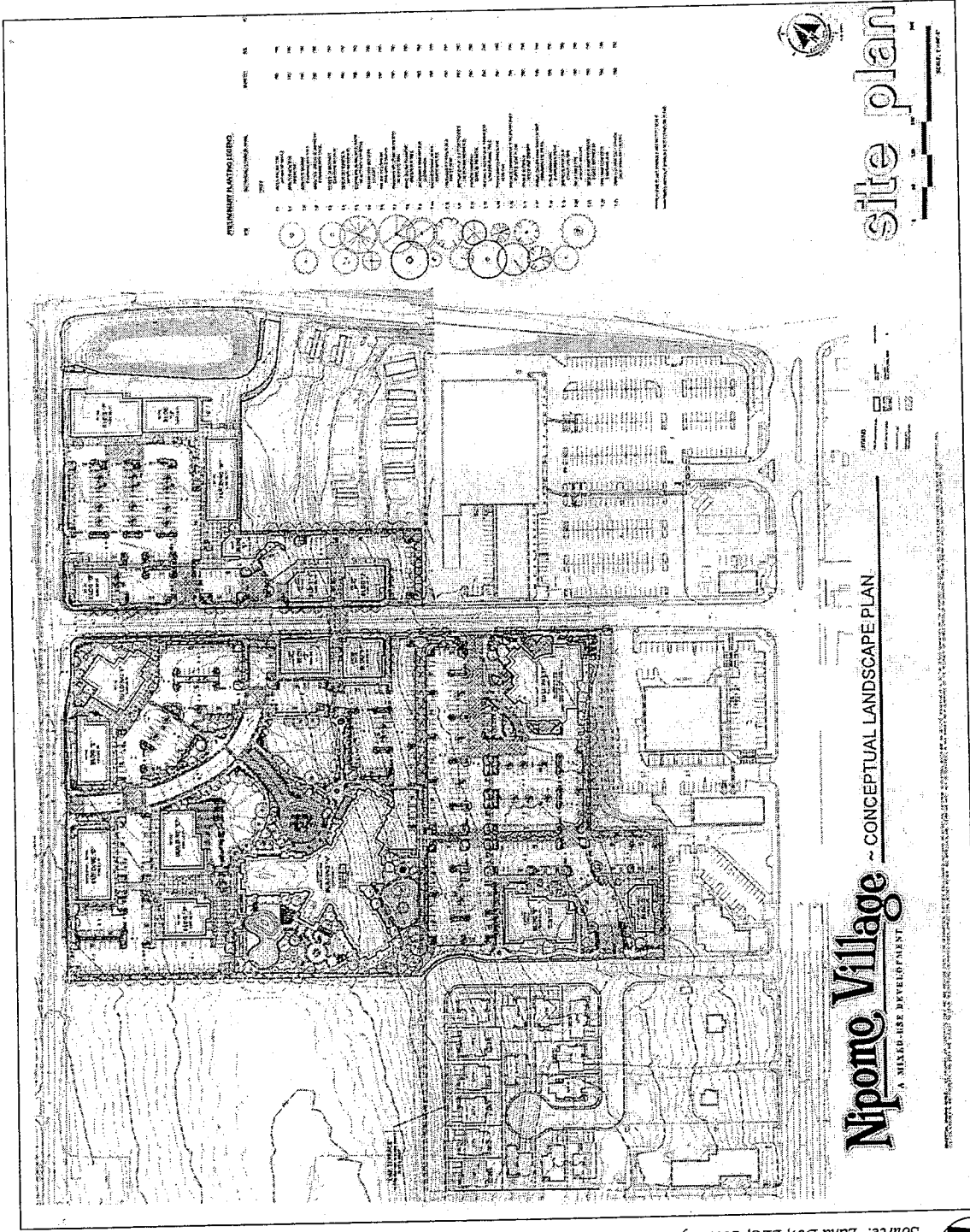


ELEVATIONS
FIGURE 16

5-104



ELEVATIONS
FIGURE 17



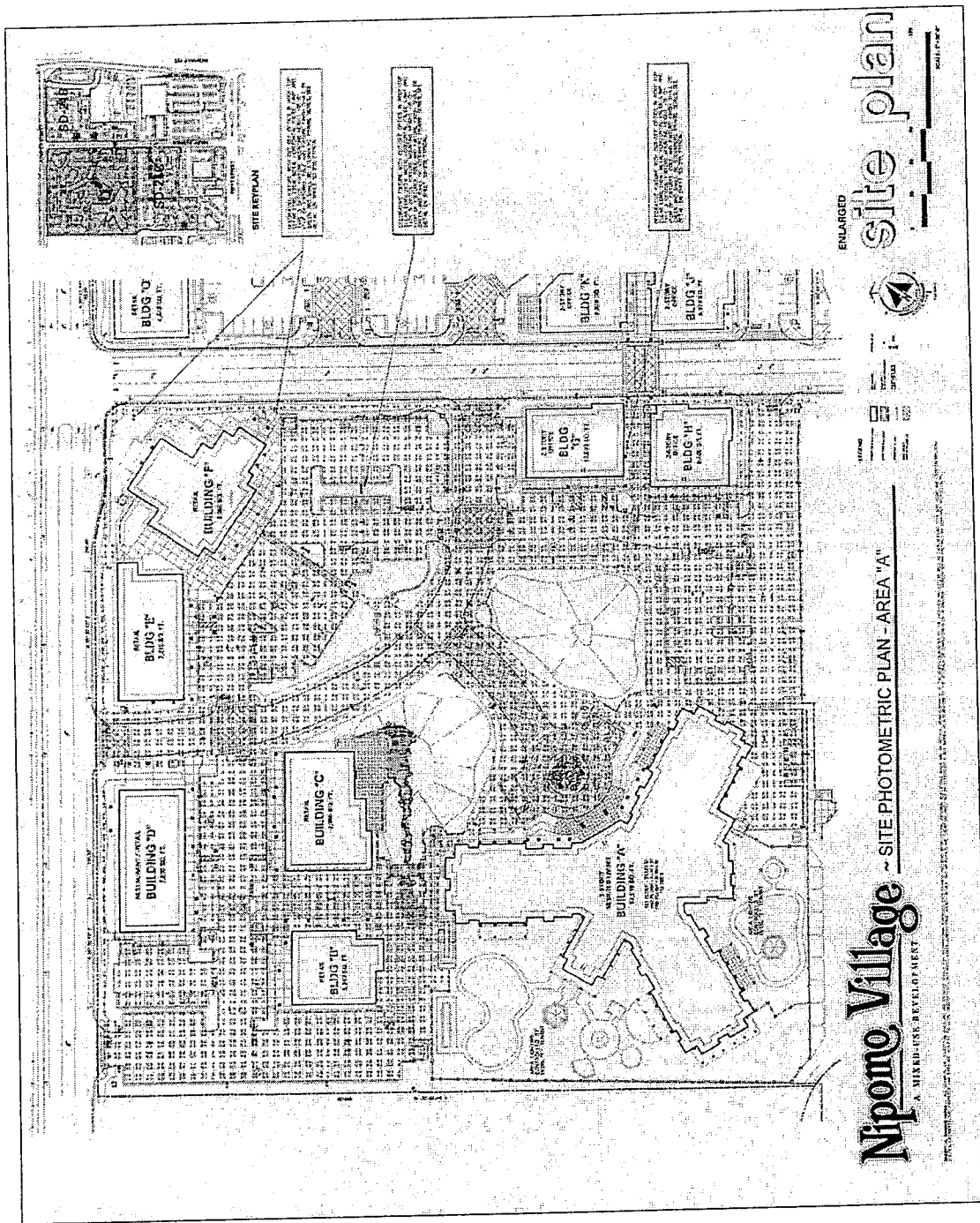
NORTH
Not to Scale

Morro Group, Inc.

LANDSCAPE PLAN
FIGURE 18

5-105

5-106



Source: Land Dev, LLC, Courtney Architects

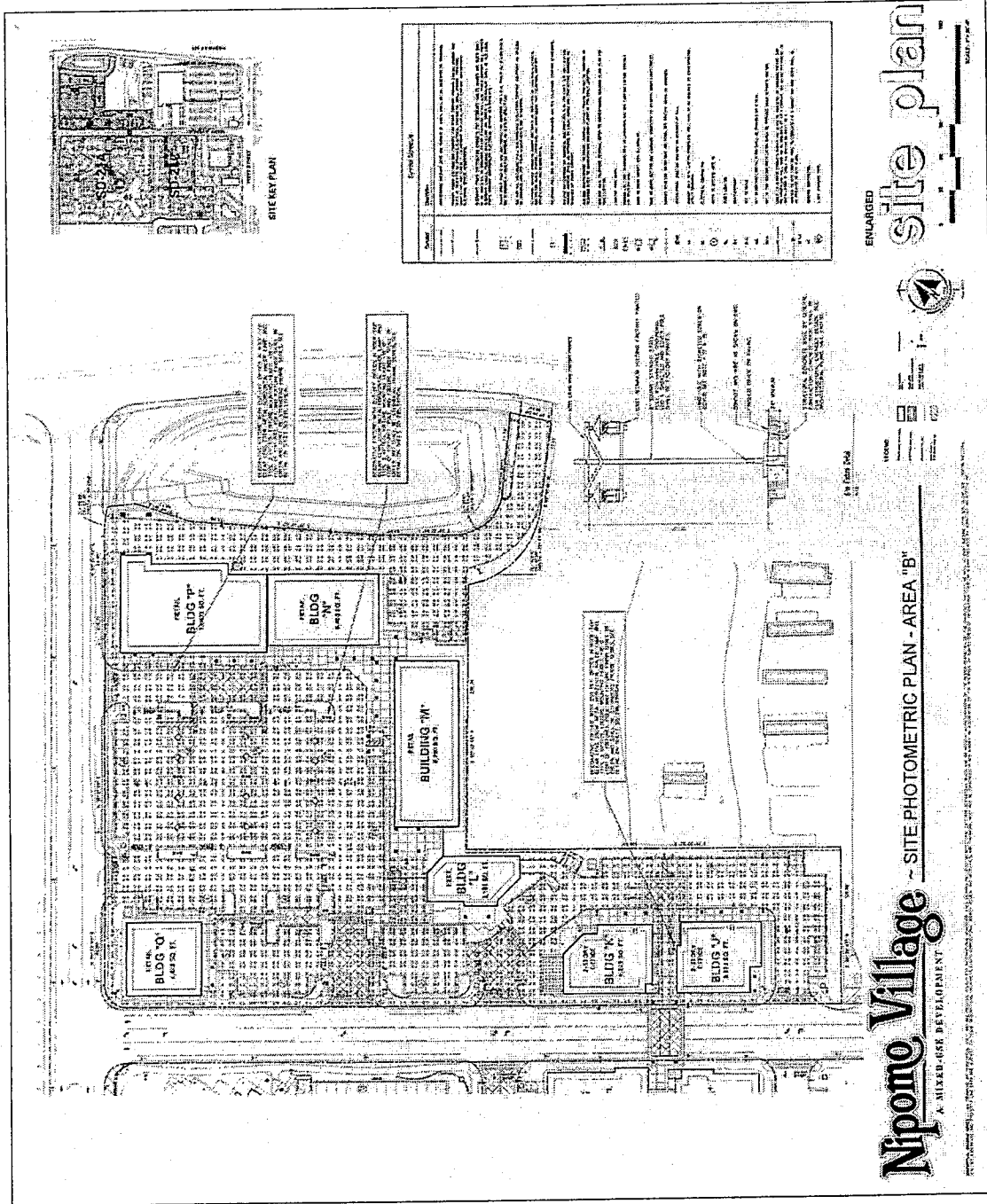


NORTH
Not to Scale

Morro Group, Inc.

LIGHTING PLAN
FIGURE 19

5-107



Source: Land Dev. LLC, Courtney Architects

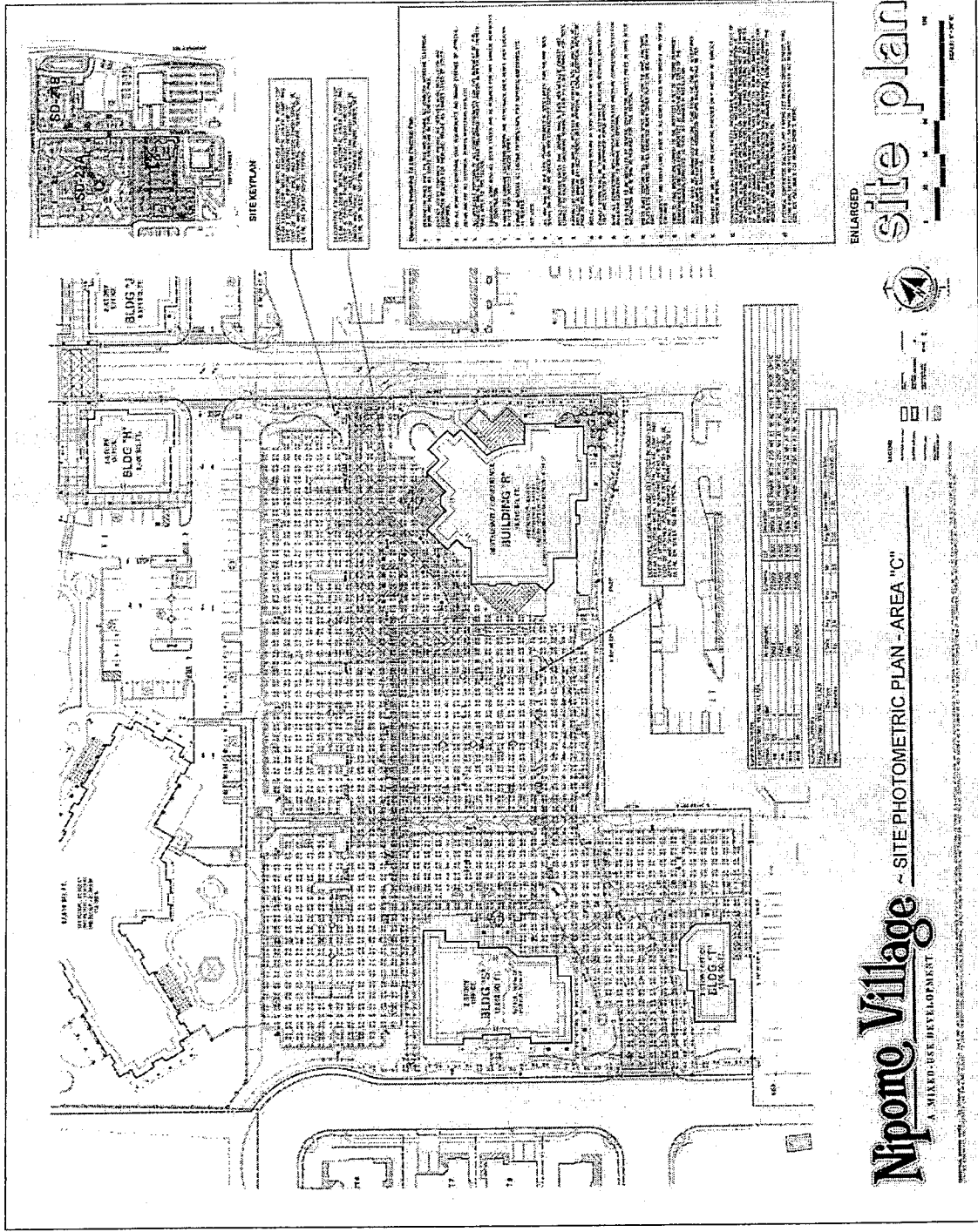


NORTH
Not to Scale

Morro Group, Inc.

LIGHTING PLAN
FIGURE 20

5-108



Source: Land Dev, LLC, Courtney Architects



NORTH
Not to Scale

Morro Group, Inc.

LIGHTING PLAN
FIGURE 21



NORTH
Not to Scale

Morro Group, Inc.

EXHIBIT C